



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
THIRTIETH LEGISLATURE, 2019**

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**LATE**

**ON THE FOLLOWING MEASURE:**

S.C.R. NO. 0131, REQUESTING CONGRESS TO CONVENE A LIMITED NATIONAL CONVENTION UNDER ARTICLE V OF THE UNITED STATES CONSTITUTION FOR THE EXCLUSIVE PURPOSE OF PROPOSING AN AMENDMENT TO THE UNITED STATES CONSTITUTION THAT WILL LIMIT THE INFLUENCE OF MONEY IN THE ELECTORAL PROCESS.

**BEFORE THE:**

SENATE COMMITTEE ON JUDICIARY

**DATE:** Tuesday, March 19, 2019

**TIME:** 9:00 a.m.

**LOCATION:** State Capitol, Room 016

**TESTIFIER(S):** Clare E. Connors, Attorney General, or  
Valri Lei Kunimoto, Deputy Attorney General

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Chair Rhoads and Members of the Committee:

The Department of the Attorney General provides the following comments. This resolution operates in an uncertain area of law insofar as it urges the United States Congress to call a constitutional convention under Article V of the United States Constitution. The resolution seeks a constitutional convention for the sole purpose of proposing an amendment to limit the influence of money in the electoral process, by overturning the decision in Citizens United v. Federal Elections Commission, 558 U.S. 310 (2010) and related cases. And the resolution further urges that a convention be called as soon as two-thirds of the states have applied for a convention for a similar purpose.

Under article V of the federal constitution, amendments may be proposed by Congress or by constitutional convention. All twenty-seven of our current constitutional amendments have been proposed by the first method. U.S. Const., Amend. I – XXVII; 2 Ronald D. Rotunda, *Treatise on Constitutional Law* § 10.10(b). Both methods require a ratification vote by three-quarters of the states. U.S. Const. art. V. The second method, contemplated by this resolution, has never been used to propose a constitutional amendment, and there is no controlling and relevant case law to govern the

proceedings. Because no federal constitutional convention has been held, there is no historical or legal precedent as to how it would operate. It is not known, for example, how the states would be represented at a convention; how those representatives would be chosen; or whether Congress could enact legislation that would control the procedures at such a convention. The federal constitution offers no guidance on these questions. U.S. Const. art. V.

Most importantly, it is not known whether an Article V convention can be limited to one topic or must be a general convention, which could hypothetically propose amendments for *any* provision of the federal constitution; or propose a totally novel amendment unrelated to existing constitutional provisions. Because there has never been an Article V convention, these and many other questions remain unanswered.

The Department therefore cautions that despite the resolution's limited purpose of overturning Citizens United, this resolution, together with applications from two-thirds of the states, has the potential to expose *all* provisions of the United States Constitution to amendment or repeal. This could possibly jeopardize protections of free speech; the protections against racial discrimination; the protections of freedom of religion; or any of the other myriad provisions that are presently provided in the United States Constitution.

We respectfully urge this Committee to defer this resolution. Thank you for the opportunity to testify on this measure.

The Thirtieth Legislature  
Regular Session of 2019

The Senate  
Committee on Judiciary  
Senator Karl Rhoads, Chair  
Senator Glenn Wakai, Vice Chair  
State Capitol, Conference Room 016  
Tuesday, March 19, 2019; 9:00 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON S.C.R. 131  
REQUESTING CONGRESS TO CONVENE A LIMITED NATIONAL CONVENTION UNDER  
ARTICLE V OF THE UNITED STATES CONSTITUTION FOR THE EXCLUSIVE PURPOSE  
OF PROPOSING AN AMENDMENT TO THE UNITED STATES CONSTITUTION THAT  
WILL LIMIT THE INFLUENCE OF MONEY IN THE ELECTORAL PROCESS.**

The ILWU Local 142 **opposes** S.C.R. 131 which requests Congress to convene a limited national convention under Article V of the United States Constitution for the exclusive purpose of proposing an amendment to the United States Constitution that will limit the influence of money in the electoral process.

In particular, we are especially concerned with the unknowns surrounding a federal constitutional convention. We are unsure as to whether an Article V convention can be limited to one topic or must be a general convention. If the latter is true, an Article V convention would be like throwing the proverbial baby out with the bathwater -a free for all to amend, remove or add any provision and make it the law of the land. This notion is especially concerning in this political climate.

While the ILWU Local 142 strongly believes Citizens United is unhealthy for our democracy and should be repealed – this unfortunately is not the correct path. As a result, The ILWU Local 142 urges the Committee on Judiciary to defer S.C.R. 131. Thank you for the opportunity to share our views on this matter.

Dear Chair Karl Rhoads, Vice-Chair Glenn Wakai and Committee Members,

My name is Brandon Soo and I am in **strong support** of the Free and Fair Elections resolution, SCR131.

Government systems begin degrading as they age, mainly because capitalist actors are constantly working to influence policy on large and small scales. A paradox exists between the coexistence of democracy and capitalism; democratic systems require equal civic and political rights, while capitalism inherently fosters unequal distribution of wealth. Both characteristics are required for the respective political and economic systems to function properly. This paradox creates a constant tug of war between capitalist actors and the public good. As such, the paradox needs to be managed by those who are champions for democracy. As legislators who represent our island chain, you have the opportunity to be those champions.

The United States Constitution is a “living document” and has evolved since its inception. The 15<sup>th</sup> Amendment redefined how we look at racial equality by giving African Americans the right to vote. The 19<sup>th</sup> Amendment allowed women to vote and strengthened a woman’s right to equality. The 22<sup>nd</sup> Amendment was the first step in giving the minority a voice by creating presidential term limits. Finally, the 26<sup>th</sup> Amendment reduced the national voting age to 18, granting youth old enough to die for our country the right to participate in democratic processes and giving them a voice. These were all amendments spurred by enormous political activism that gave power to the people.

Citizen’s United vs. the Federal Election Commission has worked its way through the courts and has undoubtedly taken power away from the people, tipping the scale in favor of big money at the expense of the public good. Unlike the previous amendments, Citizen’s United has put our country in a reactionary position to take back power that corporate lobbyists and big money interests have taken from the people by adding a 28<sup>th</sup> amendment to the US Constitution, effectively overturning the Citizen’s United court ruling.

Our politicians are held hostage to the constant fundraising that is required to win elections. As such, Congress cannot be relied on to diminish the influence of big money on our democracy. The only path is Article V of the Constitution which allows for the states to call a Limited Constitutional Convention, amending the constitution. There are fears of a runaway Con-Con, but those fears are unfounded by any legal means. I akin these fears to the consensus surround climate change science. Legal experts overwhelmingly agree that a Limited Constitutional Convention on a national level is entirely constitutional. However, the opposition has the backing of a well-resourced few who do not wish for the status quo to change.

Representatives of the Hawaii Senate Judiciary Committee, become a champion for the people by supporting the Free and Fair Elections resolution, SCR131. Prove to your voters that you are not shackled by special interests. We will not forget.



49 South Hotel Street, Room 314 | Honolulu, HI 96813  
[www.lwv-hawaii.com](http://www.lwv-hawaii.com) | 808.531.7448 | [voters@lwv-hawaii.com](mailto:voters@lwv-hawaii.com)

COMMITTEE ON JUDICIARY  
TUESDAY, March 19, 2019, 9:00 a.m., Room 016

SCR 131/SR100

REQUESTING CONGRESS TO CONVENE A LIMITED NATIONAL CONVENTION UNDER ARTICLE V OF THE UNITED STATES CONSTITUTION FOR THE EXCLUSIVE PURPOSE OF PROPOSING AN AMENDMENT TO THE UNITED STATES CONSTITUTION THAT WILL LIMIT THE INFLUENCE OF MONEY IN THE ELECTORAL PROCESS.

**TESTIMONY**

Janet Mason, Legislative Committee, League of Women Voters of Hawaii

Chair Rhoads, Vice-Chair Wakai and Committee Members:

**The League of Women Voters of Hawaii opposes this resolution, which calls for an Article V national Constitutional Convention that would limit the influence of money in the electoral process.**

We are concerned that there are many unresolved questions about the powers and processes of an Article V Constitutional Convention. The League believes such a convention should be called only if the following conditions are in place, and we don't see any national campaign to put these precautions in place:

- a) The Constitutional Convention must be transparent and not conducted in secret. The public has a right to know what is being debated and voted on;
- b) Representation at the Constitutional Convention must be based on population rather than one state, one vote, and delegates should be elected rather than appointed. The delegates represent citizens, should be elected by them, and must be distributed based on U.S. population;
- c) Voting at the Constitutional Convention must be by delegate, not by state. Delegates from one state can have varying views and should be able to express them by individual votes;
- d) Only state resolutions on a single topic count when determining if a Constitutional Convention should be called. Counting state requests by topic ensures that there is enough interest in a subject to call a Convention and enhances citizen interest and participation in the process; and
- e) The validity of state calls for an Article V Constitutional Convention must be determined by the most recent action of the state. If a state has enacted a rescission of its call, that rescission must be respected by Congress.
- f) The Convention must be limited to a specific topic. It is important to guard against a "runaway convention" which considers multiple topics that were not initiated by the states.



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[www.lwv-hawaii.com](http://www.lwv-hawaii.com) | 808.531.7448 | [voters@lwv-hawaii.com](mailto:voters@lwv-hawaii.com)

SCR 131/SR100 does urge Congress to limit the Convention topic to a single topic – i.e. an amendment that will overturn the decision of the U.S. Supreme Court in the *Citizens United vs. Federal Elections Commission* decision. The League is deeply committed to reforming our nation’s campaign finance laws to combat corruption and undue influence. Enabling candidates to compete more equitably for public office and allowing maximum citizen participation in the political process would be other important benefits. However, we do not believe a single-resolution topic alone guards against a “runaway” convention, as once convened it is not clear Congress has authority over the Convention.

We conclude SCR131/SR100 asks all of us to accept a calculated risk of loss or damage to one or more provisions of our Federal Constitution (including the Bill of Rights) in exchange for the reward of overturning “Citizens United.” Since there is little or no historical experience with such conventions, this risk is unpredictable, and more accurately reckless.

We hope you will defer this resolution. Thank you for the opportunity to submit testimony.

**SCR-131**

Submitted on: 3/16/2019 1:06:16 PM

Testimony for JDC on 3/19/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa H. Gibson	Testifying for Indivisible Hawaii	Oppose	Yes

Comments:

SENATE JUDICIARY COMMITTEE

TUESDAY, MARCH 19, 2019, 9:00AM Room # 016

SCR131

ARTICLE V NATIONAL CONVENTION; CAMPAIGN FINANCE CONSTITUTIONAL AMENDMENT; CITIZENSUNITED V FEDERAL ELECTIONS COMMISSION

**TESTIMONY IN STRONG OPPOSITION**

Lisa H. Gibson, Indivisible Hawaii

Dear Chair Rhoads and Vice-Chair Wakai:

On behalf of Indivisible Hawaii I am writing in **STRONG OPPOSITION TO SCR131** which requests Congress to convene a limited national convention under Article V of the United States Constitution for the exclusive purpose of proposing an amendment to the United States Constitution that will limit the influence of money in the Electoral process. Indivisible Hawaii is one of nearly 6,000 Indivisible Chapters from across the country which formed with the mission to fight the Trump agenda of misogyny, racism and authoritarianism by holding Members of Congress accountable.

Holding a constitutional convention brings with it existential threats to our democracy including but not limited to the threat of a runaway convention, the influence of deep sources of dark money, the silence of Article V on any rules governing such a convention, anticipated lengthy legal disputes with the potential to create long term chaos and uncertainty as well as a litany of other dangers well-articulated from a diverse set of sources.

Again, Indivisible Hawaii is in **STRONG OPPOSITION to SCR131** or any other bill which proposes such a convention. As engaged activist groups like Indivisible seek to

build on the Democratic Party's successful Blue Wave midterm election, the focus for 2020 needs to be on results not chaos.

Thank you for the opportunity to submit testimony.

Lisa H. Gibson

Nuuanu

808-753-5475

Indivisible Hawaii - [indivisiblehawaii@gmail.com](mailto:indivisiblehawaii@gmail.com)



**SCR-131**

Submitted on: 3/16/2019 8:05:55 PM

Testimony for JDC on 3/19/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lawrence Basha	Individual	Oppose	No

## Comments:

Senators, I strongly oppose SCR131, not for its proposed reforms of our election system in the US, but because there are no checks and balances to a constitutional convention which may be railroaded in a way which actually reduces and impedes our rights and liberties. When someone can speak intelligently about how the process of a convention can protect itself from a hostile takeover, and what measures are available to the general public to appeal the decisions of a hostile or railroaded convention, only then will consider supporting this measure.

Lawrence Basha

Indivisible Hawaii

# COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

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## COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Glenn Wakai, Vice Chair

Tuesday, March 19, 2019

9:00 am

Room 016

### **STRONG OPPOSITION to SCR 131 - ARTICLE V CONVENTION**

Aloha Chair Rhoads, Vice Chair Wakai and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for more than two decades. This testimony is respectfully offered on behalf of the families of **ASHLEY GREY, DAISY KASITATI, JOEY O'MALLEY, JESSICA FORTSON AND ALL THE PEOPLE WHO HAVE DIED UNDER THE "CARE AND CUSTODY" OF THE STATE** as well as the approximately 5,400 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety on any given day. We are always mindful that more than 1,600 of Hawai'i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

SCR 131 requests congress to convene a limited national convention under Article v of the United States Constitution for the exclusive purpose of proposing an amendment that will limit the influence of money in the electoral process.

Community Alliance on Prisons strongly opposes SCR 7 and we are stunned that anyone in Hawai'i would introduce a resolution calling for a national constitutional convention at this tumultuous time in U.S. history. The bottom line is that Trump Republicans control **30 state** legislatures and Democrats control 18 — compared to 31 and 14 before the election. In 21 states, there are both Republican governors and Republican majority legislatures.

There is no point in calling an Article V Constitutional Convention in the first place if there is no hope that it will result in an amendment that would reverse Citizens United. Such an amendment would require ratification by both houses of 38 state legislatures.

**This resolution is very disturbing to people who love democracy, transparency and accountability.** The systematic dismantling of government at the federal level should raise the ire of all people of good will. Agencies of the 45th administration are being stripped by the billionaires appointed to head them, cabinet members are looting the national treasury for their own personal benefit and enjoyment as millions of people are being denied health care and the desperately needed social programs.

Why would anyone even think, in this 'climate,' that opening up the Constitution could be limited?

Our objections to this resolution are many, some of them are:

1. The climate in Congress is definitely NOT CONDUCIVE to public input;
2. There has NEVER been a Constitutional Convention that was limited to one issue;
3. How would this limitation happen?
4. How would delegates be chosen and how would corporate influence be limited?
5. What safe guards are or would be put in place to ensure that corporate money will not dominate the agenda?
6. What protections are or would be put in place to ensure that our constitutional rights, liberties and freedoms would be upheld?

You are all witnesses to the right-wing takeover of the U.S. Supreme Court, therefore, Community Alliance on Prisons respectfully urges the committee to hold this resolution.

**We will not be complicit in handing over the keys of our democracy to despots!**

Mahalo for the opportunity to testify.

**LIBBY ELLETT TOMAR**

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SENATE JUDICIARY COMMITTEE  
TUESDAY, MARCH 19, 2019, 9:00AM

SCR131

ARTICLE V NATIONAL CONVENTION; CAMPAIGN FINANCE CONSTITUTIONAL  
AMENDMENT; CITIZENS UNITED V FEDERAL ELECTIONS COMMISSION

**TESTIMONY of Libby Ellett Tomar, Individual**

Dear Chair Rhoads and Vice-Chair Wakai:

This is to let you know that I am writing in **STRONG OPPOSITION TO SCR131** which requests Congress to convene a limited national convention under Article V of the United States Constitution for the exclusive purpose of proposing an amendment to the United States Constitution that will limit the influence of money in the Electoral process.

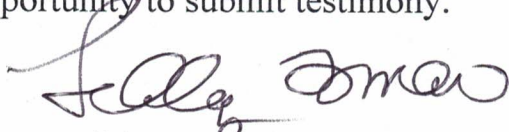
Although the idea behind it is something important for our voting rights – which is to overturn Citizens United – I believe that a Constitution Convention (“ConCon”) is the wrong forum. Indeed, it could be a dangerous forum for the same group who supported and implemented Citizens United. This group has been successful in infiltrating the US Supreme Court and 40% of our State Courts, our current President, The U.S. Senate and is not concentrating on limiting the rights citizens have under the U. S. Constitution. A ConCon could very well open the Pandora’s box to allow millions of dollars to be pored into participants to lobby unsuspecting participants by trickery to agree to changes to our Constitution without complete information – so that those groups can continue to concentrate wealth and deny fairness and freedom to us.<sup>1</sup>

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<sup>1</sup> If you have not yet read “Democracy in Chains - The Deep History of the Radical Right’s Stealth Plan for America” by Nancy MacLean, I strongly urge you (or a staff member) to do so.

It is not certain that a ConCon can be limited in scope and the stakes are too high to take that risk. It is far better to spend our energies on protecting voters rights other ways.

Thank you for the opportunity to submit testimony.



Libby Tomar

**SCR-131**

Submitted on: 3/17/2019 10:42:23 AM

Testimony for JDC on 3/19/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Golojuch Jr	Testifying for LGBT Caucus of the Democratic Party of Hawaii	Oppose	Yes

Comments:

Aloha Senators,

The LGBT Caucus of the Democratic Party of Hawaii STRONGLY OPPOSES the passage of SCR 131.

We support over turning "Citizens United" but not this way.

There are no guarantees that this would be a limited to one and only one topic. It could crack open the entire constitution and put all the gains the LGBTQIA community has made at risk of the whims of the delegates to the convention.

Mahalo for your consideration and for the opportunity to testify STRONG opposition of SCR 131.

Mahalo,

Michael Golojuch, Jr.

Chair

LGBT Caucus of the Democratic Party of Hawaii



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Corey Rosenlee  
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Osa Tui Jr.  
Vice President

Logan Okita  
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Wilbert Holck  
Executive Director

## TESTIMONY BEFORE THE SENATE COMMITTEE ON JUDICIARY

RE: SCR 131/SR 100 - REQUESTING CONGRESS TO CONVENE A LIMITED NATIONAL CONVENTION UNDER ARTICLE V OF THE UNITED STATES CONSTITUTION FOR THE EXCLUSIVE PURPOSE OF PROPOSING AN AMENDMENT TO THE UNITED STATES CONSTITUTION THAT WILL LIMIT THE INFLUENCE OF MONEY IN THE ELECTORAL PROCESS.

TUESDAY, MARCH 19, 2019

COREY ROSENLEE, PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION

Chair Rhoads, and Members of the Committee:

The Hawaii State Teachers Association **opposes** SCR 131/SR 100, requesting Congress to convene a limited national convention under Article V of the United States Constitution for the exclusive purpose of proposing an amendment to the United States Constitution that will limit the influence of the money in the electoral process.

The Hawaii State Teachers Association and the National Education Association agrees that ‘we the people’ need to overturn “Citizens United” **but calling for a national convention is not the way, especially given our current political climate.**

There are no guarantees that there this would be a “limited” national Constitutional Convention. This convention could open the entire United States Constitution to amendments, including taking away amendments that were hard fought for and have created rights for those who didn’t have right before. There is too much we all could lose if that were to happen.

The Hawaii State Teachers Association asks that your committee to **oppose** SCR 131/SR 100.

**SCR-131**

Submitted on: 3/17/2019 9:56:02 PM

Testimony for JDC on 3/19/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
John Shen	Testifying for Wolf-PAC	Support	Yes

## Comments:

Good morning Chairman Rhoads, Vice-chairman Wakai, members of the Judiciary committee. My name is John Shen, and I am the National Legislative Director of Wolf-PAC speaking in the strongest possible support of SCR131 and SR100. We are a grassroots organization of over 45,000 volunteers nationwide with only one goal - an amendment to the U.S. Constitution to fix the undue influence that money has in our elections.

I first signed up to volunteer with Wolf-PAC two years ago because of our plan. If you are among the many who recognize an amendment as necessary to address the influence of money in our elections, applying for a convention through the states is a logical and historically proven strategy. While we are focused on this strategy as an organization, we fully recognize that we're just one piece of the puzzle and that as a movement, we must be using every tool we have available. To do anything less, would underestimate the scale of the problem we're trying to fix.

Much as we talk about the convention with this resolution, it's actually highly unlikely. History shows us convention applications are actually that effective at pressuring Congress to act. The majority of our 27 amendments were preceded by the states calling for a convention for that topic.

In closing, please do not give credence to inaccurate and hysterical claims that this Constitutional right, your constitutional right, is illegitimate or something to be feared. The fact is that the convention has been studied extensively in peer-reviewed reports by the Department of Justice, American Bar Association, and Congressional Research Service among others. All of them conclude that a convention can be used responsibly, can be limited to one issue, and like everything in our constitution, it is regulated by checks and limitations on its power. I urge you to vote yes today on SCR131 and SR100 and I would be happy to take any questions.





**SCR-131**

Submitted on: 3/17/2019 11:20:46 PM

Testimony for JDC on 3/19/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Bryan Dorn	Testifying for Wolf-PAC	Support	Yes

## Comments:

Thank you Chairman Rhoads, Vice Chairman Wakai, and committee members. I would like to share with you a Term Paper written by a friend of mine, Lindsay Emerson. The ruling of the Citizens United v. Federal Election commission 558 U.S. 310 (2010) case, and subsequent rise of "Super PACs" has degraded democracy in the United States of America. The controversy around this ruling includes the question of corporate personhood, which asks whether corporations are in fact entitled to first amendment rights. The controversy extends to discussions about whether this ruling opens the door for unlimited campaign finance from corporations and unions through so called "Super PACs." Removal of contribution limits from individuals, unions, and corporations allows them vast influence over elections through media, while granting them favor with and access to a candidate. Prior to the Citizens United Case, traditional political action committees (PACs) were subject to limits on how much they could receive from donors and barred from accepting donations from corporations or unions, whether the PAC contributed directly to the individual candidate's campaign funds or acted independently to advocate for that candidate. This limitation was specifically intended to prevent corruption by influence of big donors on the political leaders they support. The courts decision to allow corporations and unions to donate unlimited amounts of money to political action committees led to a subsequent lower court ruling in a different case shortly after, which resulted in the emergence of "independent expenditure only groups" commonly called "Super PACs." This second ruling clarified how political action committees which receive funds from corporations or unions must act independently, and not coordinate with or donate to any candidate or official campaign. However, these Super PACs can exercise freedom of speech through media broadcasting to support or oppose specific candidates during election seasons. In recent years Super PACs and campaigns have found creative strategies to work around the coordination ban, which is widely unenforced. Citizens United case paved a path for corporations to step around laws meant to prevent them from donating to candidates in federal elections. Unlimited corporate spending on political advertisement is an invitation for corruption, in the sense that political leaders may show favor towards the organizations that significantly bolstered them during the campaign season and will likely do so again in the next election cycle. Gabrielle Levy so eloquently stated in regards to campaign finance that "the amount of money spent is not inherently a problem; rather, its the fact that a tiny number of extraordinarily wealthy individuals are bank rolling the majority of that spending." What she failed to mention is that extraordinarily wealthy corporations as well as individuals are doing the bank rolling. All corporations have one thing in

common; the agenda for profit for their shareholders above all else, even above public safety and human rights. In short, the removal of donation limits to political action committees creates a conflict of interest in elected officials who benefit from them. In democratic representation there is no room for conflict of interest among elected officials who are meant to act on behalf of their constituents. Political advertisements on television and radio, as well as mailings and public outreach events, account for a large portion of campaign expense. In the last federal election cycle, tv advertisement spending exceeded \$4.4 billion. The candidate that the voters see most is who they are likely to vote for, and though the 2016 election was an exception, the candidate with the most money spent on advertising typically ends up winning. Another concern arising from Citizens United ruling is the possibility of foreign monetary contributions making their way into Super PACs. While the Super PACs themselves have to disclose their donors, they do not have to disclose their donor's donor's. Social Welfare Organizations are exempt under federal tax laws from disclosing their sources of contribution, which they can receive in unlimited amounts from individuals and corporations, foreign or otherwise. These organizations open a back door through which foreign contributions can enter campaign financing in the US, undetected. In theory these social welfare groups are obligated to keep foreign donations separate and only spend from US donors on election related activities. However, there is no way for the American public to know if they are abiding by the law. The funds, called "dark money," can then be donated to super PACs which is legally obligated to only disclose the name of the social welfare organization that made the donation. Foreign money influencing elections moves the government even further away from representing the public interest of the American people. The supreme court's ruling in Citizens United has created significant change in the way political campaigns are run in the United States. Namely, there is far more money involved, it bestowed first amendment rights to corporations, removed limitations on political campaign donations, sparked the emergence of Super PACs, and even opened a loophole for foreign campaign funding. The basis of democracy, government by the people and for the people, has been degraded by Citizens United. The possibility for corruption in governance is greater and the peoples choices are narrowed by the scope of which candidates get the most advocacy in media advertising.

March 18, 2019

**TESTIMONY in OPPOSITION TO SCR 131/SR 100**

TO: Chair Karl Rhoads, Vice Chair Glen Wakai, and  
Members of the Senate Committee on the Judiciary

FROM: Barbara Polk

**I STRONGLY OPPOSE SCR 131** calling for a national Constitutional Convention under Article V of the Constitution. While I also want to limit the role of money in elections and in politics generally, I do not believe that it is possible to do so through calling an Article V Constitutional Convention as proposed in these resolutions, for the following reasons:

>The proposal ignores the current constitutionality of unlimited money in politics. Large pockets would impact such a convention at every step of the way—allocation of delegates among the states, method of selecting delegates, the selection process itself, proposals at a convention, the wording of an amendment, and the method and approval of any proposed amendments emerging from a convention.

> I believe it is unlikely that limitations in this Resolution would be honored.

>The Constitution provides for the calling of a convention to discuss amendments (plural) to the Constitution. It is not clear that a convention, once called and convened, could be limited.

>The Constitution makes no provision for the general public to be involved in either the selection of delegates or the approval of amendments.

> Although State legislators supposedly represent the people, they are almost always more concerned with corporate interests than with public interests.\* If legislatures are tasked with approving amendments, which has been the case in the past, they will come under enormous pressure from corporate America to disapprove an amendment restricting their ability to influence politics and to approve such regressive amendments as ones calling for a balanced budget, establishing a State religion, etc., etc,

For these reasons, among others, **I STRONGLY OPPOSE SCR 131/SR100** and ask that you defer this resolution.

*\*Yes, even in liberal Hawaii. Cf. the current Hawaii State legislature that is likely to pass a multi-million dollar give-away of water rights on Maui to a corporation, rather than support local farmers, ranchers, and food production. It is also more concerned with corporate welfare than public welfare in the current proposals for raising the minimum wage by far too little and requiring taxpayers to subsidize business profits by providing tax write-offs almost equal to the increased minimum wage.*

Senator Karl Rhoads, Chair; Senator Glenn Wakai, Vice-Chair; and members of the Hawaii Senate Judiciary Committee:

Thank you for the opportunity to submit written testimony against **SCR131** and **SR100**.

My name is Judi Caler, and I'm president of Citizens Against an Article V Convention.

Hawaii is the only state that has had the good sense *never in its history* to have asked Congress to call an Article V convention.

Article V Convention applications are akin to a [magician's trick](#) of drawing audience attention to one thing (the subject of the amendments) while distracting it from another (the dangers of a convention).

*It's not about the subject of the application—it's about the convention process!*

[Conventions can't be limited to the issue or issues for which it was called.](#) A convention that you think would be called for the *exclusive* purpose of proposing an amendment to limit the influence of money in the electoral process, can just as easily propose a Balanced Budget Amendment, abolish fundamental constitutional rights, or even replace our Constitution.

Delegates to the federal convention, as sovereign Representatives of "We the People," have the inherent right "to alter or to abolish" our "Form of Government," as expressed in the Declaration of Independence, paragraph 2. And we don't know who those Delegates would be or who would select them! See this [FLYER](#).

That's why [brilliant men](#) like our Framers, former Supreme Court Justices Warren Burger, Arthur Goldberg, Antonin Scalia, and other luminaries have warned that convention Delegates can't be controlled. We are fools if we don't heed their advice.

We are dangerously close to Congress's calling an Article V Convention. **Please VOTE "No" on SCR131, SR100, SCR36** and any other applications from Hawaii asking Congress to call an Article V convention.



Hawai'i

Committee: Senate Committee on Judiciary  
Hearing Date/Time: Tuesday, March 19, 2019, 9:00 a.m.  
Place: Conference Room 016  
Re: Testimony of the ACLU of Hawai'i in Opposition to S.C.R. 131/S.R. 100, Requesting Congress to Convene A Limited National Convention Under Article V of The United States Constitution for the Exclusive Purpose of Proposing an Amendment to the United States Constitution That Will Limit the Influence of Money in the Electoral Process

Dear Chair Rhoads, Vice Chair Wakai, and Members of the Committee on Judiciary:

The American Civil Liberties Union of Hawai'i ("ACLU of Hawai'i") writes in **opposition to** Senate Concurrent Resolution 131/Senate Resolution 100, which petitions the United States Congress to call for a constitutional convention to propose amendments to the United States Constitution to limit the influence of money in the electoral process.

While the ACLU of Hawai'i supports making the U.S. government more responsive to the people through comprehensive campaign finance reform and recognizes the right to amend the Constitution by convention under Article V of the U.S. Constitution, the lack of standards governing such conventions renders the *unprecedented*<sup>1</sup> step of calling a constitutional convention an unacceptable risk to all our hard-fought fundamental rights and liberties.

In the absence of any standards applicable to a convention, there is no way to assure, among other things that: delegates are fairly representative; the rules governing conduct of the convention are fair; the convention confine itself to the subject or subjects of the call; and the convention does not otherwise infringe on civil liberties. **More importantly, there are no standards for resolving disputes around these issues, thus making it almost certain that in the current political climate a convention would inevitably lead to a constitutional crisis.**

---

<sup>1</sup> Pursuant to Article V, the U.S. Constitution offers two vehicles for proposing amendments to the United States Constitution: either two thirds of both Houses of Congress "shall propose Amendments to this Constitution," or on the application of two-thirds of the State legislatures, the U.S. Congress "shall call for a Convention for proposing Amendments." Only the former method has been used to propose amendments to the U.S. Constitution, and nothing in Article V suggests that a convention may be called for the limited purpose of proposing specific amendments but not others. Additionally, the ratification process for amendments is also uncertain as the convention could redefine the ratification process to make it easier to pass new amendments, including those considered at the convention, as it was in fact done in 1787.

American Civil Liberties Union of Hawai'i  
P.O. Box 3410  
Honolulu, Hawai'i 96801  
T: 808.522-5900  
F: 808.522-5909  
E: [office@acluHawai'i.org](mailto:office@acluHawai'i.org)  
[www.acluHawai'i.org](http://www.acluHawai'i.org)

Chair Rhoads and Members of the Committee on Judiciary  
March 19, 2019  
Page 2 of 2

Under Article V of the U.S. Constitution, there is no mechanism to ensure that a constitutional convention would be limited in scope to address only the matters proposed in S.C.R. 131/S.R. 100. Indeed, conservative and liberal legal scholars and Supreme Court justices agree that a constitutional convention could well result in a full rewrite of the Constitution. Consequently, a convention could result in amendments, which could drastically alter our democratic and federal system of government or put our basic civil rights and civil liberties at risk. No limiting wording in the resolution can prevent this.

For these reasons, the ACLU of Hawai'i urges your Committee to defer this measure.

Thank you for the opportunity to testify.

Sincerely,



Mandy Fernandes  
Policy Director  
ACLU of Hawai'i

*The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving Hawai'i for 50 years.*

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**HAWAII GOVERNMENT EMPLOYEES ASSOCIATION**  
AFSCME Local 152, AFL-CIO

**RANDY PERREIRA**, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirtieth Legislature, State of Hawaii  
The Senate  
Committee on Judiciary

Testimony by  
Hawaii Government Employees Association

March 19, 2019

S.C.R. 131/S.R.100 – REQUESTING CONGRESS TO CONVENE  
A LIMITED NATIONAL CONVENTION UNDER ARTICLE V  
OF THE UNITED STATES CONSTITUTION

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly opposes the purpose and intent of S.C.R. 131 and its companion S.R. 100 which requests the Congress of the United States to convene a limited National Convention under article V of the U.S. Constitution.

As drafted, S.C.R. 131 and S.R. 100 represent our state's formal application to convene a Constitutional Convention under Article V of the U.S. Constitution. A matter of this magnitude deserves much more robust discussion and conversation with all residents in Hawaii. Additionally, we raise grave concerns over the vast, unforeseen negative consequences of convening a national Constitutional Convention. While we can understand and support the want to address limiting the influence of money in elections, wholly opening our Constitution for amendment and repeal is not in the best interests for citizens. Convening a Constitutional Convention does not guarantee resolution for any singular issue; rather there is the potential for a Convention to be much more devastating than what this resolution seeks to accomplish.

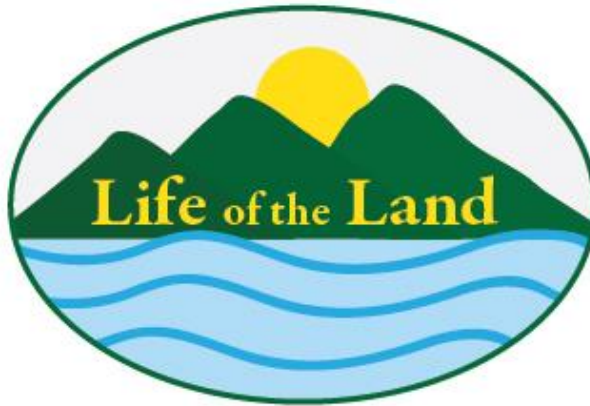
Our country has not convened a Convention of this magnitude in its 200 year history and no one can predict how it would operate, who would be represented, and what the immediate and long term impacts will be. Due to this uncertainty and risk, we urge extreme caution and full vetting of the consequences of S.C.R. 131 and S.R. 100, and respectfully request the Committee defer this measure.

Thank you for the opportunity to testify in strong opposition to the aforementioned resolutions.

Respectfully submitted,

  
for Randy Perreira  
Executive Director





P.O. Box 37158, Honolulu, Hawai'i 96837-0158  
Phone: 927-0709 [henry.lifeoftheland@gmail.com](mailto:henry.lifeoftheland@gmail.com)

COMMITTEE ON JUDICIARY  
Senator Karl Rhoads, Chair  
Senator Glenn Wakai, Vice Chair

Tuesday, March 19, 2019  
9:00am  
Conference Room 016

Aloha Chair Rhoads, Vice Chair Wakai, and Members of the Committee

Life of the Land is Hawai'i's own energy, environmental and community action group advocating for the people and `aina for 49 years. Our mission is to preserve and protect the life of the land through sound energy and land use policies and to promote open government through research, education, advocacy and, when necessary, litigation.

SCR 131 states, "many Americans agree that elections in the United States of America should be free from the disproportionate influence of powerful moneyed interests."

Hawai'i Legislature is unduly influenced by monied interests.

The Legislature is advancing legislation that would allow Hanwha, a Korean multinational company, to destroy prime agricultural land, the Gas Company to be

exempt from the state's 100% renewable energy and net-zero greenhouse gas goals, and A&B to continue to steal water without conducting an environmental impact statement.

The goal of 100% renewable energy in 2045 uses fake definitions of “percent” and “renewable” because corporate interests are more important than saving the planet.

Many legislators will only hold meetings with financial donors.

If Hawai'i can't control monied interests, how will the U.S. control monied interests?

IF a national convention is truly limited to one issue -- money in politics – if most delegates chosen are pro-money-in-politics, if the amendments must be ratified by a supermajority of States many controlled by money, and disputes resolved by the ultra-conservative U.S. Supreme Court,

**THEN isn't it as likely or more likely that the result will be worse than what we have today?**

Aren't the risks too high?

Mahalo

Henry Curtis  
Executive Director

**SCR-131**

Submitted on: 3/18/2019 9:00:39 AM

Testimony for JDC on 3/19/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Elton Johnson	Testifying for Common Cause Hawaii	Oppose	Yes

Comments:

Mahalo Nui.



AMERICANS FOR DEMOCRATIC ACTION

**OFFICERS**

John Bickel, President  
Alan Burdick, Vice President  
Marsha Schweitzer, Treasurer  
96823  
Dylan Armstrong, Secretary

**DIRECTORS**

Melodie Aduja  
Guy Archer  
Juliet Begley  
Gloria Borland  
Ken Farm  
Chuck Huxel  
Jan Lubin  
Jenny Nomura

**MAILING ADDRESS**

P.O. Box 23404  
Honolulu  
Hawaii

March 17 , 2019

**LATE**

TO: Honorable Chair Rhoads & Judiciary Committee Members

RE: SCR 131 REQUESTING CONGRESS TO CONVENE A LIMITED NATIONAL CONVENTION UNDER ARTICLE V OF THE UNITED STATES CONSTITUTION FOR THE EXCLUSIVE PURPOSE OF PROPOSING AN AMENDMENT TO THE UNITED STATES CONSTITUTION THAT WILL LIMIT THE INFLUENCE OF MONEY IN THE ELECTORAL PROCESS.

Opposition for hearing on March 19

Americans for Democratic Action is an organization founded in the 1950s by leading supporters of the New Deal and led by Patsy Mink in the 1970s. We are devoted to the promotion of progressive public policies.

We oppose SCR 131 as we are not convinced a Constitutional Convention could be limited.

Thank you for your consideration.

Sincerely,

John Bickel President



**SCR-131**

Submitted on: 3/18/2019 2:00:36 PM

Testimony for JDC on 3/19/2019 9:00:00 AM

**LATE**

Submitted By	Organization	Testifier Position	Present at Hearing
Pride Work HI	Testifying for Pride at Work Hawaii	Oppose	Yes

Comments:

Aloha Senators,

The Pride at Work Hawaii, an affiliate of Hawaii State AFL-CIO, **opposes** the passage of SCR 131.

Mahalo for your consideration and for the opportunity to testify in opposition of SCR 131.

Mahalo,

Pride at Work - Hawaii

**LATE**

**SCR-131**

Submitted on: 3/19/2019 3:28:40 AM

Testimony for JDC on 3/19/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Testifying for Ho'omanapono Political Action Committee (HPAC)	Support	Yes

Comments:

**WE STRONGLY OPPOSE THIS RESOLUTION. ITS A WEAK GESTURE THAT'S NOT LIKELY TO BE TAKEN SERIOUSLY BY THE UNITED STATES CONGRESS. THIS RESOLUTION FLIES IN THE FACE OF THE US SUPREME COURT RULING IN CITIZENS UNITED & SEEKS TO UNDERMINE THE FIRST AMENDMENT RIGHTS OF CITIZENS TO EXERCISE FREE SPEECH!**



March 18, 2019

Senate Committee on Judiciary  
Chair Karl Rhoads, Vice Chair Glenn Wakai

Tuesday March 19, 2019 9:00 AM Room 016

SCR 131 – Requesting Congress to Convene a Limited National Convention Under Article V of the United States Constitution for the Exclusive Purpose of Proposing an Amendment to the United States Constitution That Will Limit the Influence of Money in the Electoral Process

TESTIMONY / STRONG OPPOSITION  
Elton Johnson, Chair, Common Cause Hawaii

---

Dear Chair Rhoads, Vice Chair Wakai, and members of the Committee:

Many of us who are infuriated by the corrupting influence of money in politics believe that through such efforts as supporting candidates committed to the public interest, encouraging public funding of elections and small donor funding, eliminating gerrymandering and voter suppression, and more, we can improve the composition and the integrity of the U.S. Congress so that profound public interest reforms will follow.

We don't subscribe to despair that Congress will ever take the actions needed to address the problem, including developments such as the *Citizens United* decision by the Supreme Court, and we don't seek to go around our representatives in Congress on this issue through an Article V convention. We are concerned about the considerable risk that an Article V convention would present, associated with uncertainties due to the absence of rules, the lack of precedent, and a factious political climate complete with scheming special interest groups waiting for the opportunity to aggressively ply their agenda at every phase in an Article V convention scenario.

The fundamental unknowns associated with an Article V convention include, for example, how applications will be counted, whether subject matter can be restricted, how we'd be represented, what the procedural rules would be.

The ratification process is not a reliable backstop on an Article V convention, for reasons including that the ratification threshold itself may be revised. An opening to the people, the source of our laws and of democratic legal authority, creates an extra-legal moment, a revolutionary tear in the continuum as it were, wherein the support for existing laws may or not be affirmed. No judicial, legislative, or executive body has legitimate authority to settle the inevitable disputes. As James As James Madison admitted, the 1787 Constitutional Convention "departed from the tenor of their commission" by "report[ing] a plan which is to be confirmed by the people, and may be carried into effect by nine states only," instead of "requiring the confirmation of the legislatures of all the states." [James Madison, *Federalist* No. 40 (January 18, 1788)]

To recognize these significant risks is not to distrust democracy, but rather to exhibit a real understanding of the possible consequences of misjudgment regarding whether or when a resort to the second Article V approach to proposing amendments (through a convention) is likely to be more constructive than the first Article V approach to proposing amendments (through the Congress). Alexander Hamilton and James Madison each already expressed apprehension, in 1788, about the prospects for a new attempt at a convention approach under the new Article V:

“The reasons assigned in an excellent little pamphlet lately published in this city ['An Address to the People of the State of New York'] are unanswerable to show the utter improbability of assembling a new convention, under circumstances in any degree so favorable to a happy issue, as those in which the late convention met, deliberated, and concluded. . . . I dread the more the consequences of new attempts, because I know that powerful individuals, in this and in other States, are enemies to a general national government in every possible shape.” [Alexander Hamilton, Federalist No. 85 (August 13, 1788) [http://avalon.law.yale.edu/18th\\_century/fed85.asp](http://avalon.law.yale.edu/18th_century/fed85.asp)]

“If a General Convention were to take place for the avowed and sole purpose of revising the Constitution, it would naturally consider itself as having a greater latitude than the Congress appointed to administer and support as well as to amend the system; it would consequently give greater agitation to the public mind; an election into it would be courted by the most violent partizans on both sides; it wd probably consist of the most heterogeneous characters; would be the very focus of that flame which has already too much heated men of all parties; would no doubt contain individuals of insidious views, who under the mask of seeking alterations popular in some parts but inadmissible in other parts of the Union might have a dangerous opportunity of sapping the very foundations of the fabric. Under all these circumstances it seems scarcely to be presumable that the deliberations of the body could be conducted in harmony, or terminate in the general good. Having witnessed the difficulties and dangers experienced by the first Convention, which assembled under every propitious circumstance, I should tremble for the result of a Second, meeting in the present temper of America and under all the disadvantages I have mentioned.” [James Madison, letter to G.L. Turberville (November 2, 1788) [http://oll.libertyfund.org/titles/madison-the-writings-vol-5-1787-1790#lf1356-05\\_mnt081](http://oll.libertyfund.org/titles/madison-the-writings-vol-5-1787-1790#lf1356-05_mnt081)]

Please safeguard the founding charter of our democracy with appropriate care. Please defer this resolution.

Thank you for the opportunity to testify in STRONG OPPOSITION to SCR 131.



**SCR-131**

Submitted on: 3/15/2019 9:19:34 AM

Testimony for JDC on 3/19/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lois Langham	Individual	Oppose	No

Comments:

In today's political climate nationally and with the money already influencing it, I fear this opening to broader intent. I think it should be done through Congress where the intent can be contained to the issue of Citizens United and only that issue AND we know WHO is voting.

**SCR-131**

Submitted on: 3/15/2019 2:32:48 PM

Testimony for JDC on 3/19/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Eric Schrager	Individual	Support	Yes

## Comments:

Dear Chairman Rhoads and members of the committee,

I am writing in **very strong support of SCR 131** the "Free and Fair Elections" resolution. This measure is historically important because it is one of the few safeguards against a Congress that fails to properly represent the will of the average American. States amendment-convention campaigns have been used repeatedly in the past as another tool to bring about changes to the Constitution that the people want, but that Congress, for whatever reason is not willing to take on. In fact, this tool has been used in the MAJORITY of Constitutional amendments that have already been adopted.

In our case the issue is the overwhelming influence that unlimited amounts of money is having on our political system. Our legislators in Washington spend an exorbitant amount of time on the phone trying to raise money for their re-election campaigns and that is not what we sent them there to do! The climate of corruption in our government has given us a legislature that listens much more to its corporate donors than to us average Americans. Leveling the playing field with reasonable campaign-finance laws in accordance with our new Constitutional Amendment, will allow everyone a chance to run for public office without having to be a millionaire or become beholden to them. Once elected, our legislators will be unencumbered from inappropriate relationships with their donors and will be able to spend 100% of their time working for us, their constituents! Our elections will once again be "Free and Fair" instead of "Purchased".

Please help make Hawai'i a leader in the fight for our democracy and vote yes on SCR131?

Mahalo!

Eric Schrager

Ewa Beach (HD41, SD19)



**SCR-131**

Submitted on: 3/16/2019 12:05:09 PM

Testimony for JDC on 3/19/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Debra Rosenthal	Individual	Oppose	No

## Comments:

Aloha. I am a political scientist and long time resident of Hawaii. I write in opposition to this proposal. While I understand the frustration with the flaws in our political system and the temptation to resolve them by Constitutional amendment, the general consensus of political scientists and Constitutional law experts is that a Constitutional convention is a recipe for disaster. There's more than one way to fix our system. A constitutional convention, which is heavily supported by groups seeking to restrict individual rights and protect the interests of the wealthy, is the most risky. It is likely to further fragment our already divided national political culture. It is a completely inefficient and I think dangerous path to improving our political system. Please explore other routes the state can take to make elections fairer. I regret I cannot testify in person and thank you for considering my testimony.

**SCR-131**

Submitted on: 3/16/2019 5:02:33 PM

Testimony for JDC on 3/19/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Martha Nakajima	Individual	Oppose	No

Comments:

I strongly oppose this resolution and share the views of Indivisible.

**SCR-131**

Submitted on: 3/16/2019 6:40:27 PM

Testimony for JDC on 3/19/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Maya Maxym	Individual	Oppose	No

## Comments:

Aloha, and thank you for allowing me to testify, despite being unable to be present in person, and give the reasons why I strongly oppose SCR131. I would like to open by stating that I wholeheartedly support *effective* measures to get dark money out of politics and to create a system where every vote counts and super-PACs are not treated as people. I wholeheartedly support overturning Citizens United. However, a constitutional convention is a dangerous and risky way to attempt, and almost certainly fail, to achieve this goal. A close reading of Article V of the Constitution will make it clear that there is no provision for limiting the scope of a constitutional convention, no prescription for representation of the individual states or for how decisions are made and by what kind of majority, and no guarantee that, in the event of a constitutional convention, the rights that we hold most sacred would be preserved. A constitutional convention risks undermining the very rights we depend upon for our democracy -- for our community of engaged and free citizens -- to function effectively. Voting for a constitutional convention would hand the Koch brothers and their allies the victory they seek in this long game to re-write the Constitution in their favor. Please oppose SCR 131 and protect our Constitution. Thank you.

To Chair Rhoads and Vice-Chair Wakai:

Although I can't be there in person, it's important for me to let you know my concerns and give my testimony that I **STRONGLY OPPOSE** SCR131 which would support a Convention of the States.

I don't believe that if approved, there's a way the process will be limited to "a limited National Convention" as stated in SCR131.

Article V doesn't establish rules, give details of who may participate, how participants are chosen and doesn't set limits on topics for discussion. I have researched the national groups that support this resolution. They are special interest groups on the extreme left (Wolfpac) and the extreme right (Citizens for Self Governance.) Although they say it's for one purpose, and their websites are for the greater good -- that's just the surface.

This resolution asks to add the State of Hawaii to a list that so far includes only "red" states for what is a vague, undefined purpose.

Our representatives –State and Federal - who currently make laws, are elected and known. I don't want my fate and the fate of the U.S. Constitution in the hands of unknown people with undeclared agendas.

I join other members of Indivisible Hawaii in opposition.

Judith Goldman

Honolulu

**SCR-131**

Submitted on: 3/16/2019 11:11:00 PM

Testimony for JDC on 3/19/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Shimei	Individual	Oppose	Yes

Comments:

In addition to testimony presented by others in opposition to this bill, please consider:

Currently,

31 state legislatures are controlled by Republicans

18 state legislatures are controlled by Democrats

1 state legislature (MN) is split

Even if MN stands with the Democrats, Democrats would have at most 19 states. In a ConCon, the vote ratio would be Republicans 31: Democrats 19. If decisions are made by simple majority (26 states), Republicans have control. If by 60% (30 states), Republicans have control. If by 2/3 (34 states) Republicans are 3 votes shy of control and Democrats (even with MN) are 15 votes shy. We have to be prepared that Republicans will control.

Republicans have no incentive to overturn Citizens United. They are happy to accept major donations from their wealthy donors. They want amendments for a balanced budget (= cutbacks in benefits), term limits, and limiting the power of the federal government.

So even if a ConCon were called, Democrats would not get their desired proposed amendments; if anyone gets anything, it is more likely to be the Republicans.



After the ConCon, the current safety net is ratification by 3/4 of the states (38) which would allow 13 blue states to block Republican amendments (and allow 13 red states to block Democratic amendments). Red states will block any proposed amendment for overturning Citizens United.

So, ultimately no benefits for Democrats. What are the risks?

1) The only time there was ever a Constitutional Convention it was chartered with the task of amending the Articles of Confederation. Instead, it ignored its mandate and wrote the Constitution. Further, it rewrote the requirements for ratification from 100% of the states to 75% of the states - and then ratified the amendments using the amended ratification procedure. Given the current political climate, there is nothing blocking the Republicans from proposing whatever amendments they want, changing the ratification rules to 51% (or 60%), and gutting the Constitution as we know it - including rewriting the Bill of Rights, and having their Republican Supreme Court uphold all of it.

2) The process will take more than two years and we cannot guarantee we will still have control of 18 legislatures in 2020. May be better, may be worse. This is a massive gamble.

3) The process will cause significant distraction and diversion of time, effort, and funding at a critical time. We must focus our resources on retaining control of the House, regaining control of the Senate, and putting a Democrat in the White House. We are at a crossroads and the next 18 months are critical. We do not need chaos and diversion.

Thus, no benefits and significant potential risk. **WE DO NOT NEED THIS TROJAN HORSE AT THIS CRITICAL TIME.**

Better alternative: the wiser choice is to work through Congress on an amendment to Article V that fills in the blanks with regard to authority of Congress to call a convention of limited scope, # of members, selection, governance, voting, dispute resolution, and a clear ratification process that makes any changes to the ratification procedure

inapplicable until 10 years after the convention ends. This might pass because is to the benefit of both parties and will go a long way toward making Article V a viable tool in the future.

Thank you for this opportunity to comment.

Barbara Shimei

Concerned citizen

Aloha Chair Rhoads, Vice Chair Wakai, and members of the committee,

I strongly oppose any calls for an Article V constitutional convention, including SCR131 and SR100.

While overturning *Citizens United* is important, it is not worth risking a re-write of our constitution, especially during this politically turbulent time. Despite what some groups may claim, there is no guarantee as to how a convention would be run, including if a convention could be limited to a single topic. Additionally, there are countless other questions that remain unanswered including how states would be represented, how delegates would be selected, who would ratify the amendments (would it be state legislatures, or governors, or some other entity), and what role the public would play, if any, throughout the entire process. Both sides of this issue are able to reference various briefs and opinions to support their point of view, but none of these documents hold any weight of law. Thus, the bottom line is we do not know how a convention would operate, and it is misleading and irresponsible for anyone to claim to have a definitive answer.

We must also acknowledge the influence that money has on our politics. Groups such as ALEC and the Koch brothers have expansive resources and are extremely organized and effective when promoting their agenda. They have openly stated that they also wish to amend our constitution, but for their own purposes. We should not open the door to their political machine and influence, when we, the people, are unable to compete at the same level.

Then what can we do to fight money in politics? Money in politics is a complex issue and as such requires a multifaceted approach.

First, we must continue to pressure Congress to pass an amendment to overturn *Citizens United*. Hawaii is the first and only state where the state legislature and all counties have passed resolutions calling on Congress to act. We must continue to support other states to get their congressional delegation on board and ready to take action. This is a long process, similar to other amendment advocacy campaigns, but is critical because even if we had the perfect amendment tomorrow, we would still need Congress to pass laws to implement it. Without this groundwork, the amendment could be for naught, and the situation could be made worse.

Furthermore, we must continue with strengthening our local campaign finance laws. There are bills introduced every year here at the state legislature, that threaten to weaken our campaign finance laws. Perhaps energy spent on pushing for a convention could be better used by focusing on threats here at home and working on solutions such as a full publicly funded elections program, expanding voter access, and ending gerrymandering. A constitutional convention is not the silver bullet that some people are making it out to be.

Mahalo for the opportunity to testify.

Corie Tanida

**SCR-131**

Submitted on: 3/17/2019 2:26:52 PM

Testimony for JDC on 3/19/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Randy Ching	Individual	Support	No

Comments:

Chair Rhoads, Vice Chair Wakai and members of the committee,

I support SCR131. There is too much private money in our election process. ALL the money should be public money -- i.e. the taxpayers should fund all elections since elected officials represent US, the people.

So many of our problems are not being addressed because of special interests. There should only be the people's interest. Let's get rid of Citizen's United and the idea that "money = speech" (Griswold v Connecticut).

Please pass SCR131. Mahalo for your consideration.

Randy Ching (Honolulu)

**SCR-131**

Submitted on: 3/17/2019 5:51:37 PM

Testimony for JDC on 3/19/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kathy Shimata	Individual	Support	No

## Comments:

In my opinion, Citizen's United has allowed unlimited amounts of mystery money to flow into our political process. If the source of all donations was made public, the influence of this money would be lessened. Overturning Citizen's United will eliminate a festering wound in our democracy.

# ALAN B. BURDICK

*Attorney at Law - Retired*

Post Office Box 51

Honolulu, Hawaii 96810-0051

Tel. 808.486.1018

[Burdick808@gmail.com](mailto:Burdick808@gmail.com)

March 17, 2019

To: Senate Committee on the Judiciary  
Subject: SCR 131, SR 100, **Requesting Congress to Convene a Limited Article V Constitutional Convention for the Exclusive Purpose to Limit the Use of Money in the Electoral Process**  
Hearing: Tuesday, March 19, 2019, 9:00 a.m., Room 016  
Position: **Opposition**

Aloha, Chair Rhoads, Vice Chair Wakai, and Members of the Committee:

Despite much respect and admiration for the authors and proponents of these resolutions, I strongly **oppose** them because (1) they will likely create **existential dangers to the nation**; while (2) they will **fail to accomplish their intended purpose**.

1. These resolutions are written to try to make it as certain as possible that the constitutional convention can only be for the purpose of generating a constitutional amendment that would “limit the influence of money in our electoral process, by overturning the decision of the United States Supreme Court in *Citizens United v. Federal Elections Commission* and related cases . . .” More famous and better legal scholars than I have declared that a constitutional convention probably can simply ignore such limitations, and that there would be nothing we could do about it if the convention did so. See “States Likely Could Not Control Constitutional Convention on Balanced Budget Amendment or Other Issues,” by Michael Leachman and David A. Super (Jan 2017), <https://www.cbpp.org/research/states-likely-could-not-control-constitutional-convention-on-balanced-budget-amendment-or>. Virtually anticipating the language of the Resolutions that the Committee is considering today, where the Resolutions try to prevent a future con-con from going beyond the scope of what the state legislature has authorized, the authors of the article state:

ALEC and its allies assert that states can control the operations and agenda of a convention and sharply limit the actions of their delegates. But there is no consensus on this question among constitutional scholars or others who have studied the question carefully; the selective quotations that convention proponents cite from the 1780s do not reflect a consensus among the Framers of the Constitution and do not have the force of law. Even more importantly, *no court*

*or other body exists with the authority to enforce any such rules and to override the decisions of a constitutional convention.*

[Italics in original.] There are many other learned legal authorities that come to the same or similar conclusions. The referenced article contains references to several of them.

In short, the Hawaii Legislature is poised to let the Genie out of the bottle if it passes these Resolutions and if these Resolutions are the ones that allow a constitutional convention to actually take place. Right-wing organizations such as ALEC will seize on the creation of a constitutional convention and press very hard for the convention to draft and promulgate a large number of right-wing proposals for constitutional amendments that, if enacted, will permanently turn American politics back to the 19<sup>th</sup> Century – right-to-work, abolition of labor unions, voter suppression, the end of women’s rights, and the end of many other hard-fought rights.

They will argue “let the people speak” and “there’s no harm in merely proposing constitutional amendments – they aren’t law until 38 legislatures ratify them, and if 38 legislatures think they’re okay, that should be good enough.” And they may well get our right-wing Supreme Court to agree with them.

While it is very difficult to find 38 state legislatures to ratify GOOD constitutional amendments – *see below* – it is not hard to find 38 state legislatures to ratify BAD ones.

2. **These Resolutions will fail in their intended goal.** An amendment to the U.S. Constitution requires ratification by both houses of the Legislatures of 38 States. An amendment to overturn the *Citizens United* decision cannot garner anywhere near that number. Nowhere in *any* of the arguments that you will see and hear today in favor of these resolutions will you see *any* prediction whatever that the proposed constitutional amendment will actually achieve ratification. You can’t get to 38.

None of the proponents will venture such a prediction because they know any such prediction is completely unsupportable in fact. Let’s try an illustration: Let’s assume, as a rough basis for prediction, that most Democrats favor overturning *Citizens United* and most Republicans oppose overturning it. Taking that analysis one step further, in 2016, Democratic Presidential Candidate Hillary Clinton carried 20 states, and Republican Candidate Donald Trump carried 30 states. So, we can assume, as a rough predictor, that 20 state legislatures, reflecting the Clinton vote, might ratify a constitutional amendment to overturn *Citizens United*. But where are you going to find 18 legislatures in pro-Trump states to vote to overturn *Citizens United*? In the present political climate, this is not possible. The political right-wing has captured state legislatures throughout the country since 2010, and they have cemented their power by gerrymandering their state legislative (and congressional) redistricting.

For these reasons, passage of these Resolutions, although well-intended, cannot accomplish the goal of getting money out of politics. Not anytime soon. Meanwhile, these

Resolutions could set in motion existential dangers to the United States on a scale we have not seen since the Civil War.

Please defer these Resolutions.

Thank you for the opportunity to testify.

Alan B. Burdick



Senator Karl Rhoads, Chair  
Glenn Wakai, Vice-Chair  
Judiciary Committee

Tuesday, March 19, 2019

Support for S.C.R. No. 131

I am testifying in support of S.C.R. 131. Political campaigns are costing more every year. Ordinary Americans can't financially compete with corporations to support candidates who will represent their interests. This means corporations having a bigger voice in our government than the citizens. If we don't take action now, the problem will only get worse. There are challenges we need to tackle as a country, and I don't think it will happen unless we can restore fairness to our elections.

That's why I'm asking you to please support this resolution.

Kathy Tokuda  
From McCully, Honolulu

**SCR-131**

Submitted on: 3/17/2019 10:25:10 PM

Testimony for JDC on 3/19/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
C. Kauai Lucas	Individual	Support	No

Comments:

Written Testimony in **Opposition** to SCR131 (Wolf-PAC) to the Members of the Senate Judicial Committee:

Honorable Senator:

“The effect of the **amendments** suggested by **Wolf-PAC [WP]** would be to increase the powers of the federal government over **The People** by delegating to the federal government the power to **prevent** or **restrict** certain groups and combinations of people from speaking in the public square on the critically important area of **political speech**.

Furthermore, the exercise of **such powers is expressly forbidden by the First Amendment.**” [See attached]

*Here is the language of Article V of the U.S. Constitution:* <https://www.archives.gov/federal-register/constitution/article-v.html>

## **Article V, U.S. Constitution**

\* \* \* \* \*

### **Article V**

**The Congress**, whenever two thirds of both houses shall deem it necessary, **shall propose amendments to this Constitution**, or, on the application of the legislatures of two thirds of the several states, **shall call a convention for proposing amendments**, which, in either case, **shall be valid** to all intents and purposes, **as part of this Constitution**, when **ratified** by the **legislatures of three fourths of the several states**, or by **conventions in three fourths thereof**, as **the one or the other mode of ratification may be proposed by the Congress**; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

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“There is no such thing as a “COS” under Article V. Show me where a reference is to such in Article V.”

“Article V is a federal procedure controlled by federal law i.e., the Constitution. Even when the states act under Article V they do so under authority delegated to them by the Constitution, not state authority and they are performing a “federal function” not a state function.<sup>[i]</sup> Article V is short and clear in its meaning.<sup>[ii]</sup>”

“Show me one place in Article V where it requires a state to give a subject or topic in a state's application for Congress to “call” an AVC let alone the authority of a state to limit an AVC to a subject or topic.”

“Every resolution I have seen applying for an Article V convention specifically references Article V. If it is "controlled by the states" why do the states invoke the federal Constitution?”

“But, the 143 word long Article V does not give the states any authority beyond applying to Congress for Congress to "call" the ad hoc AVC and to hold one of two ratifying procedures as Congress directs to occur in the states.”

“By common practice and parliamentary procedure the entity that "calls" an ad hoc convention gets to set up the initial rules of the convention and determine the qualification for the delegates. Such power is given to Congress under the "necessary and proper" clause of Article I §8 ¶18. “

“In my opinion there is technically a difference between a "constitutional convention" and a AVC. But, under our Constitution it is a difference without a distinction. This is so because there is virtually no limit on the breadth or depth of an amendment(s) under Art. V.<sup>[iii]</sup> Such can result in the change of one comma, or the change of everything but one comma.”

“Our concern is that our sovereign status will be changed such that "We the People" become "subjects" to the government and the elites that manipulate and control the governments, state and central. There need not be a complete re-write of the Constitution for this to happen. This can occur with four little words: “

"State sovereignty is abolished."

“This would collapse the "compound Republic" the Framers established and end American federalism. The states would become adjuncts of the central government and their duty to keep the central government in check and to protect our rights would be washed away in a flow of ink. (This is what the Tugwell Constitution proposed which was being advocate between 1975 and the late 1980s.)”

“A great step was taken in this direction when the states adopted the 17th Amendment which striped the states of their constitutional right to appoint Senators to the federal Senate. Recall that this effort started at the state level by the states themselves applying for an Article V to strip themselves of this right.”

“The "federal" government being out of control is not the problem but a symptom of "We the People's" failure to hold both the state and central "public servants" accountable. It is even more clear that their proposed solution, re-writing the Constitution, will not solve the "problem" they have identified. If these corrupt politicians will not follow the current Constitution how in the world should we ever believe they will follow an amended Constitution? “

Richard D. Fry, Nov

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[i] **Leser v. Garnett**, 258 U.S. 130, 137 (1922), "But the function of a state legislature in ratifying a proposed amendment to the Federal Constitution, like the function of Congress in proposing the amendment, is a **federal function** derived from the Federal Constitution; and it transcends any limitations sought to be imposed by the people of a State." (Emphasis added.);

**Hawke v. Smith**, 253 U.S. 221, 230 (1920)

[ii] **Hawke v. Smith**, 253 U.S. 221, 227 (1920) " The language of the article [V] is plain, and admits of no doubt in its interpretation. It is not the function of courts or legislative bodies, national or state, to alter the method which the Constitution has fixed...."

[iii] **U.S. Const. Art. V-** " ...Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the [first](#) and [fourth](#) Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be [deprived](#) of its equal Suffrage in the Senate...." [http://www.usconstitution.net/xconst\\_A5.html](http://www.usconstitution.net/xconst_A5.html)

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Honorable Senator:

As [states only petition Congress](#) to convene a constitutional convention, what assurance do you have that [Congress](#) won't be making the delegate selections, [not the states](#), from unelected, self-serving individuals. Likely, those who don't follow the *Constitution* now will be appointed to reign over damage of unthinkable possibilities!

Are you aware, when submitting a proposed amendment to the states for ratification, **Congress** gets to choose the **mode of ratification**, *that being by state conventions, or by the state legislature*? Unless the sovereign "delegates" change that rule, which is their right! After [states petition Congress to convene a constitutional convention](#), **there are no other guaranteed roles for state legislators**

I know you love our country. Please do not take action until you have seen the **federal law** that **confirms** what you have been told, including who controls and appoints "delegates" to an Article V constitutional convention.

Please **OPPOSE SCR131 (Wolf-PAC), SR100 (Wolf-PAC), SCR36 (COSP), and All Other Article V Convention Legislation**. We will all sleep better knowing our Rule of Law, which has given us liberty for over 200 years, remains intact for future generations.

Respectfully,

Betty Lucas  
Mechanicsville, VA

**SCR-131**

Submitted on: 3/18/2019 5:15:43 AM

Testimony for JDC on 3/19/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Howard Burnette	Individual	Oppose	No

## Comments:

America had an "amendments convention" in 1787 which was called by the Continental Congress "for the sole and express purpose of revising the Articles of Confederation." But the Delegates ignored limiting instructions from the Congress (and the limiting instructions from their States) and wrote a new Constitution. This is the one we have now. The Constitution they came up with had a new approval process, only 9 states needed to ratify it where as the Articles of Confederation required all 13 states to ratify it. The same thing could happen again. An Article V convention could change the approval process to that of the national popular vote. With all the division in America an Article V convention is the last thing we need. Please don't risk our freedoms by voting in favor of an Article V convention.

I think some state legislators believe that if that if the states request an Article V convention that the Federal government will be scared into following the Constitution. This is about as naive as Barney Fife when tries to scare the neighborhood kids into going straight. Here is a clip where Barney is the state legislators and the boys are the Federal government. I think you'll get a kick out of it. I urge you to not be a "Barney Fife" and request an Article V convention.

<https://www.youtube.com/watch?v=vQcNEGrjn1M&list=WL&index=2&t=0s&pbjreload=10>

**SCR-131**

Submitted on: 3/18/2019 6:38:36 AM

Testimony for JDC on 3/19/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joanna Martin	Individual	Oppose	No

## Comments:

Please vote AGAINST SCR 131, SR 100, and all other applications for an Article V convention.

The push for an Article V convention is funded by BIG Money - primarily the Koch Brothers of Texas. Please see "[Kochs Bankroll Move to Rewrite the Constitution](#)".

If there is an Article V convention, we can be sure the Koch Brothers will expect - and obtain - payback for what they've paid to get such a convention. Please don't let our Constitution be rewritten to suit the billionaires.

Please also see [this article by law professor David A. Super](#). He supports campaign finance reform, but shows that an Article V convention is NOT the way to get it.

Brilliant men, including 4 US Supreme Court Justices (two Liberals & two Conservatives), have warned that an Article V convention is *dangerous*. To see what they said, and where they said it, see [THIS](#) Brilliant Men flyer.

So it doesn't matter what the ostensible purpose of the Article V convention is - delegates can do whatever they want. See also this [State Flyer](#) and [Delegate Flyer](#).

There is so much rage, anger, and hatred going on in our Country today - this is no time for a convention dealing with our Constitution.

**If Legislators want an amendment to the US Constitution dealing with getting the money out of politics, they should instruct their Congressional Delegation to propose such an amendment in Congress.**

At your service,

Joanna Martin, J.D.

**From:** [Jennifer Kagiwada](#)  
**To:** [JDC Testimony](#)  
**Subject:** Testimony in Support of SCR131 - "The Free and Fair Elections" Resolution  
**Date:** Friday, March 15, 2019 5:53:40 PM

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Dear Chair Karl Rhoads, Vice-Chair Glenn Wakai and Committee Members,

The influence of money in our elections and politics is rapidly getting worse with elections getting more and more expensive every cycle.

It diminishes my voice, it poisons the politics of every issue that I care about, and it will soon be too late to change this system.

The Free and Fair Elections resolution, SCR131, would apply for a convention to propose an amendment to address this problem. It represents the strongest statement the state of Hawaii can take, as the majority of US Constitutional amendments were preceded by a movement of states applying for a convention. While Congress has proven itself incapable of reforming the influence of money, at the state level we still have a chance.

Please pass SCR 131 before it's too late.



**Individuals in Support of SCR131****Late Testimony**

- |                          |                          |
|--------------------------|--------------------------|
| 1. Tanea                 | 64. Kelli J Totten       |
| 2. Aimee McCullough      | 65. Timothy Craig Totten |
| 3. Laura Margulies       | 66. Jennifer Lum         |
| 4. Shannon Rudolph       | 67. Kerry Sullivan       |
| 5. Aleena Nye            | 68. Margaret Morrison    |
| 6. Paul Lindley          | 69. Rena Hindman         |
| 7. Lawrence Rostrata     | 70. Judy New             |
| 8. Anastasia Cherek      | 71. Johanna Park         |
| 9. Jana Julian           | 72. Ryan I. Sueoka       |
| 10. Connor Holst         | 73. Tammy Davis          |
| 11. Morgan               | 74. Catherine Ritter     |
| 12. Jessica Chang        | 75. Joseph Gabel         |
| 13. Shane Hiroshi Gibler | 76. Arthur J Murray      |
| 14. Neil Holmes          |                          |
| 15. Sean Remos           |                          |
| 16. Laurel Brier         |                          |
| 17. Joseph Dunsmoor      |                          |
| 18. Melanie Wills        |                          |
| 19. Chris Martell        |                          |
| 20. Donald Rost Banik    |                          |
| 21. Scott Foster         |                          |
| 22. Colleen Rost-Banik   |                          |
| 23. Catherine Sophian    |                          |
| 24. Pam                  |                          |
| 25. Harvey Arkin         |                          |
| 26. Christopher Dean     |                          |
| 27. Elizabeth Luff       |                          |
| 28. Joesph Kohn          |                          |
| 29. Isabella             |                          |
| 30. Andrew S. Deucher    |                          |
| 31. Austin Cole Snyder   |                          |
| 32. Martha Morgan        |                          |
| 33. Mishka Sulva         |                          |
| 34. Geoff Gilbert        |                          |
| 35. Jacqueline Kalani    |                          |
| 36. Randall Imada        |                          |
| 37. David Ray Mulinix    |                          |
| 38. Diane Martin         |                          |
| 39. Michael Kawamoto     |                          |
| 40. Gregory Schuster     |                          |
| 41. Timothy Vandever     |                          |
| 42. Chelsea Ko           |                          |
| 43. Sharman O'Shea       |                          |
| 44. Julienne Givot       |                          |
| 45. Kristi Doran         |                          |
| 46. Stacey Schrager      |                          |

47. Kehaulani Fanene
48. Alvah T. Strickland
49. Herman Lange
50. Lucie Schrager
51. Will Caron
52. John Miller
53. Mike Neider
54. Jennifer Kagiwada
55. Nate Hix
56. Tonya Lee Coulter
57. Orlando Smith
58. Sharain S Nayolr
59. Christopher Jay Mann
60. Sharon Willeford
61. Paul Holcomb
62. Ciera Kamakea
63. Miles Mulcahy

**From:** [Bryan Dorn](#)  
**To:** [JDCTestimony](#)  
**Subject:** Update  
**Date:** Monday, March 18, 2019 5:41:09 PM

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Good morning Chairman Rhoads, Vice chair Wakai, and members of the committee. My name is Bryan Dorn and I have come all the way from Pahoehoe because getting this resolution to the Floor for a vote is that important to me. Cleaning up our election system of corruption is absolutely essential to making this world a better place. There is no way to rid our political system of corruption unless we get special interest money out of politics. To solve societies problems we need political leaders that are free from having to raise huge sums of money to stay in office. You have the power to turn the tide and help to pass this critical resolution. I am a State worker in Hilo and I know that for my pension to be there when I retire and for my kids to have the same opportunities or hopefully better when they get into their career field we are going to have to rid the system of corruption. The only way we will ever do that is to get big, special interest money out of politics. Thank you for scheduling this hearing. Aloha.

**From:** [Heath Sifuentes](#)  
**To:** [JDCTestimony](#)  
**Subject:** Please Vote YES on SCR131  
**Date:** Sunday, March 17, 2019 5:54:08 PM

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Dear Chairman Karl Rhoads, Vice-Chairman Glenn Wakai and Committee members,

I am submittting testimony to ask for your strong support in favor of SCR131, which would urge U.S. Congress to restore Free and Fair Elections and get big money interset out of politics.

Ever since the Citizens United vs FEC supreme court decision, our democracy has been under attack. We need to stop that down spiral before the country crashes to the ground. I see alot of talking around this topic, but I don't see a lote of doing. From all the plans I have seen to resolve this problem, it seems to me that at this point in time, the only way we can really tackle this issue is by amending the US constitution. That way, the solution will be long term and the supreme court won't have the authority to go above the States when it comes to political financing. And since we can't rely on Congress or the Supreme Court, we need to do it through the States.

The Founding fathers gave us this option and now is the time to use it. Now is the time for the policymakers of Hawaii to lead with courage and cease the opportunity to act.

Please vote YES on SCR131! Aloha,

Heath Sifuentes

**From:** [Molly Mattson \(Little War Horse\)](#)  
**To:** [JDCTestimony](#)  
**Subject:** Testimony in support of SCR 131  
**Date:** Sunday, March 17, 2019 6:00:03 PM

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Dear Chairman Karl Rhoads, Vice-Chairman Glenn Wakai and Committe Members,

My name is Molly Mattson, I live on Oahu in Waialua. I am in strong support of SCR131.

Every day it is becoming more urgent that we restore Fair and Free Election in the U.S. Free of the corrupting influence of money in our political system and fair enough that and citizen can run for office, not just millionaires and their allies. We need to clean up our election system so that the voices of average Americans don't continue to be drowned out by big money and special interest.

Ever since the Citizens United vs FEC supreme court decision, our democracy has been under attack. I see alot of talking around this topic, but not much else. We need to tackle this issue by amending the US constitution. That way, the solution will be long term and the supreme court won't have the authority to go above the States when it comes to political financing. And since we can't rely on Congress or the Supreme court, we need to do it through the States. The founding fathers gave us this option and now is the time to use it. Now is the time for the policymakers of Hawaii to lead with courage and cease the opportunity to act.

Please vote YES to SCR131

Aloha,

Molly Mattson

Sent from my iPhone

**From:** [Morgan Bonnet](#)  
**To:** [JDCTestimony](#)  
**Subject:** Testimony in Strong Support of SCR131  
**Date:** Sunday, March 17, 2019 10:16:42 PM

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Dear Chairman Karl Rhoads, Vice Chairman Glenn Wakai, and committee members.

My name is Morgan Bonnet and I live on Oahu. I am a senior mechanical engineer at the UH Institute for Astronomy. I design and build astronomical instrumentation for the Mauna Kea and Haleakala Telescopes. I am originally from France, but I am a naturalized U.S. Citizen and I have lived in Hawaii with my wife for 10 years, who was born and raised here in Oahu.

Being raised in France but living here in the U.S. for much of my adult life, I am fascinated with studying and understanding the U.S. Constitution. As you may know, the U.S. Constitution was finalized the same year as the French Revolution, and the concept of Separation of Powers came from the French lawyer Montesquieu. His work had a powerful influence on the founding fathers, especially James Madison. Montesquieu is also notable for securing the word despotism in the political lexicon. And at this point, I believe that the corrupting influence of big money in politics is slowly bringing the U.S. in this direction, in the form of an oligarchy. This isn't the way it's supposed to work. I still believe that most Congresswomen and men come into politics with the right intent – to be public servants who can make a difference in people's lives, but often end up caught in a corrupt system of incentives having to spend far too much of their time raising money.

The Article V Convention process is a vital part of the checks and balances laid out in the U.S. Constitution, and in fact is the only constitutional check we have on an unresponsive Congress. With Congress clearly not listening to us, no matter which party is in power, SCR131 seems like a logical step for Hawaii to take. This legislation makes me hopeful that we will one day be truly represented like the founding fathers intended, so that the people will be able to get more involved and play a bigger role in their democratic Republic.

I trust you, committee members and good Senators of Hawaii, to make the right decision for our country and vote YES on SCR131.

Mahalo,  
Morgan Bonnet  
Chair of DPH District 25

**From:** [Maren Bonnet](#)  
**To:** [JDCTestimony](#)  
**Subject:** Testimony in strong support of SCR131  
**Date:** Sunday, March 17, 2019 10:40:20 PM

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Dear Chairman Karl Rhoads, Vice Chairman Glenn Wakai, and committee members,

First of all, thank you for your tireless service to the people of Hawai'i. As a relatively new voter and political volunteer, I now hold an even greater respect for those that participate in the political process and for those that hold office. You allow the rest of us a platform to speak and you help to shape our lives in the most profound and basic ways.

I am writing in strong support of SCR131, The Free and Fair Elections resolution, which I believe reinforces that connection between you, the Politician, and me, the Constituent.

The increasing squeeze on the middle class; a symptom of a decline in our rights as citizens to be heard over the deafening voice of big money interests is throwing our Kupuna and Keiki into the streets.

This is not how our government was intended to function and this is not the Hawai'i I remember. I am a fourth generation daughter of Japanese immigrants. My great grandparents whittled out a humble life on the Big Island and owned a small store in a plantation village. My grandfather served in the US Army and met my grandmother in Japan after WWII ended. My mother struggled to raise my brother and I on a single parent income. I have worked since the age of 16 to gain an education and career. Every generation has its struggle, but the lack of income equality and wealth distribution today is putting my future in peril.

SCR131 will aid in limiting the influence of money in our electoral process by utilizing our State's rights as intended in Article V of the United States Constitution. Hawai'i needs to be at the forefront of this tide of moral and ethical change and become the sixth state to call for a limited national convention to propose an Amendment to the Constitution, urging for campaign finance reform and Free and Fair Elections.

When I was in elementary school, a Kupuna would come to our classroom every so often to teach us Hawaiian words, stories and folklore. One of the words we learned was Pono – to do what is right, moral, and for the well being of others. This has not escaped my mind after all of these years and I believe it is our time to bring this Hawaiian value to the country.

We must have courage!

With Aloha,

Maren Bonnet  
President of DPH Precinct 25-2

**SCR-131**

Submitted on: 3/18/2019 8:23:25 AM

Testimony for JDC on 3/19/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Stacey Schrager	Individual	Support	Yes

Comments:

We must use every tool we have to bring about change in our polotical system. Money has brought about tremendous corruption that has resulted in unspeakably tragic consequences for our planet, our health, our education system and our economy. Please vote Yes on SCR131!

Mahalo!

Stacey Schrager

Ewa Beach



**SCR-131**

Submitted on: 3/18/2019 8:39:53 AM

Testimony for JDC on 3/19/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Diana Bethel	Individual	Oppose	No

Comments:

SCR 131 seems like a good idea, but may have negative consequences.

At this point in our nation's history, convening a constitutional convention may result in passage of unwise laws that are very undemocratic and ideological, given the blatant bigotry and illogical thinking of some segments of the electorate.

I do not think that we can risk convening a constitutional convention at this time.

**SCR-131**

Submitted on: 3/18/2019 8:59:15 AM

Testimony for JDC on 3/19/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kehaulani Fanene	Individual	Support	No

Comments:

Dear Chair Karl Rhoads, Vice-Chair Glenn Wakai and Committee Members,

The influence of money in our elections and politics is rapidly getting worse with elections getting more and more expensive every cycle.

It diminishes my voice, it poisons the politics of every issue that I care about, and it will soon be too late to change this system.

The Free and Fair Elections resolution, SCR131, would apply for a convention to propose an amendment to address this problem. It represents the strongest statement the state of Hawaii can take, as the majority of US Constitutional amendments were preceded by a movement of states applying for a convention. While Congress has proven itself incapable of reforming the influence of money, at the state level we still have a chance.

Please pass SCR 131 before it's too late.

Thank you,

Kehaulani Fanene

Laie, HI

**LATE**

**SCR-131**

Submitted on: 3/18/2019 9:11:57 AM

Testimony for JDC on 3/19/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Paul Holcomb	Individual	Support	No

Comments:

Dear Chair Karl Rhoads, Vice-Chair Glenn Wakai and Committee Members,

I strongly urge you to pass SCR 131.

Unregulated money in our elections and democratic processes undermines free speech and the foundation of our most basic rights.

The Free and Fair Elections resolution, SCR131, would apply for a convention to propose an amendment to address this problem. It represents the strongest statement the state of Hawaii can take, as the majority of US Constitutional amendments were preceded by a movement of states applying for a convention. While Congress has proven itself incapable of reforming the influence of money, at the state level we still have a chance.

Please pass SCR 131 before it's too late.

**LATE**

**SCR-131**

Submitted on: 3/18/2019 9:45:56 AM

Testimony for JDC on 3/19/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Tada	Individual	Oppose	No

Comments:

**LATE**

**SCR-131**

Submitted on: 3/18/2019 9:14:47 AM

Testimony for JDC on 3/19/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ryan I. Sueoka	Individual	Support	No

Comments:

**LATE**

**SCR-131**

Submitted on: 3/18/2019 10:27:01 AM

Testimony for JDC on 3/19/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Quinn	Individual	Support	No

Comments:

Dear Honorable Committee Members:

Please support SCR131. Money in US politics is a corrosive force to our democracy.

Thank you for the opportunity to present my testimony.

Andrea Quinn

Kihe

**LATE**

**SCR-131**

Submitted on: 3/18/2019 10:32:22 AM

Testimony for JDC on 3/19/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Steve Canales	Individual	Oppose	No

Comments:

Strongly Diaagree

**LATE**

**SCR-131**

Submitted on: 3/18/2019 11:45:31 AM

Testimony for JDC on 3/19/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joshua Kay	Individual	Oppose	No

Comments:

Opposed to this waste of time and money. There must be a way to fix the "problem" without the mess of a ConCon.



**SCR-131**

Submitted on: 3/18/2019 2:08:54 PM

Testimony for JDC on 3/19/2019 9:00:00 AM

**LATE**

Submitted By	Organization	Testifier Position	Present at Hearing
Keith Richmond	Individual	Oppose	No

Comments:

SENATE JUDICIARY COMMITTEE

TUESDAY, MARCH 19, 2019, 9:00AM Room #

SCR131

ARTICLE V NATIONAL CONVENTION; CAMPAIGN FINANCE CONSTITUTIONAL AMENDMENT; CITIZENS UNITED V FEDERAL ELECTIONS COMMISSION

**TESTIMONY**

Keith Richmond

Dear Chair Rhoads and Vice-Chair Wakai:

I am writing in **STRONG OPPOSITION TO SCR131** which requests Congress to convene a limited national convention under Article V of the United States Constitution for the exclusive purpose of proposing an amendment to the United States Constitution that will limit the influence of money in the Electoral process.

I feel that the big money forces that have been working behind the scenes to gerrymander districts nationwide since 2010 are behind calling for a constitutional convention. Too many states, and therefore the delegations to such a convention, are within the control of forces that want to reduce our rights, and incorporate Citizens

United, and Pro Life values, and Balanced Budget requirements that would lead to the elimination of social security, Medicare, etc. They would eliminate the separation of church and state.

Hawaii, and the few others states that express interest in eliminating Citizens United (a wonderful goal for sure) would be outweighed by the forces that want to undo so many precious protections now in the Constitution.

Thank you for the opportunity to submit testimony.

Name

Keith Richmond

**LATE**

**SCR-131**

Submitted on: 3/18/2019 3:01:54 PM

Testimony for JDC on 3/19/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Eileen McKee	Individual	Oppose	No

Comments:

Aloha,

I stand in strong opposition to SCR131. While I agree that money has corrupted our electoral process, I do not believe holding a constitutional convention, limited though it may profess to be, is the appropriate action to take. In fact, doing so would make the likes of Senator Marco Rubio, Ben Carson, Governor Mike Huckabee, Sarah Palin, Dr. James Dobson, and countless other conservatives happier than workers here at 4:00pm on Aloha Friday. Check this site for more scary names: <https://conventionofstates.com/>

I appreciate your support in this matter.

Eileen McKee

**From:** [Evette Allerdings](#)  
**To:** [JDC Testimony](#)  
**Subject:** Testimony in Support of SCR131 - "The Free and Fair Elections" Resolution  
**Date:** Monday, March 18, 2019 1:36:14 PM

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**LATE**

Dear Chair Karl Rhoads, Vice-Chair Glenn Wakai and Committee Members,

The influence of money in our elections and politics is rapidly getting worse with elections getting more and more expensive every cycle.

It diminishes my voice, it poisons the politics of every issue that I care about, and it will soon be too late to change this system.

The Free and Fair Elections resolution, SCR131, would apply for a convention to propose an amendment to address this problem. It represents the strongest statement the state of Hawaii can take, as the majority of US Constitutional amendments were preceded by a movement of states applying for a convention. While Congress has proven itself incapable of reforming the influence of money, at the state level we still have a chance.

Please pass SCR 131 before it's too late.

**LATE**

**SCR-131**

Submitted on: 3/18/2019 7:39:15 PM

Testimony for JDC on 3/19/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Lum	Individual	Support	Yes

Comments:

**SCR 131**

**Free and Fair Elections Resolution**

**Senate Committee on Education**

**Senate Committee on Energy and Environment**

**Joint Public Hearing - March 19, 2019**

**9:00 a.m., State Capitol**

**By**

**Jennifer Lum**

**Aloha, I am a mom of 2 adult sons, a Special Education high school teacher at Pearl City High School and a retired Air Force Reserves Master Sergeant right here in Hawai'i. I have worked for the State of Hawai'i and the Federal government for 29 years. I feel it is my duty as a citizen to speak for myself and the those whom I serve. I serve my students. I love working with the future. My students are funny, creative and going to be the leaders of the future. I love using my leadership skills acquired through the Air Force to help guide my school it a new and modern direction. I want a better future for my students and my sons. Money in politics is trying to destroy our society. It's trying to kill public schools. As schools we are trying to prepare our students.**

**I am submitting testimony to ask for your strong support in favor of SCR 131, which would urge U.S. Congress to Restore Free and Fair Elections and get big money interests out of politics. It is critical to our democracy that we no longer**

**allow corporations to endlessly fund our politicians and the political process. We need to instead make elections fair so that elected officials are accountable to their constituents - the people - instead of corporations and their profits, and we need to make elections fair so that any citizen can run for political office and have a chance of winning.**

**Several years ago, the Supreme Court found that money is speech. But, the idea that “money talks” does not belong in functioning democracy. Since the ruling that money is speech, a massive influx of money has flooded the political system. The people with the most money get the most influence. The people with the most money are less than 1 percent of the actual citizens of this country. I am a teacher. I do not have a large amount of money. The amount of money I make should determine the influence my voice has in our democracy. Nearly 9 out of 10 Americans believe ‘reducing the corruption in the federal government’ is a top priority. A recent poll showed that 97% of Americans want to ‘reduce the influence of corruption in our elections’. In recent Gallup polling, ‘dysfunction in government’ became the number one issue in America, surpassing even jobs and the economy.**

**The Supreme Court also found that corporations are people. The idea of corporations being people is invalid. Corporations are systems. They are a means to provide goods and services. When the Constitution of the United States was written it started: We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.**

**The people, in this case, were the actual individual citizens of this nation. Not individual organizations. Not businesses. Not unions. None of these qualified as people. Corporations do not have the right to vote. If the leaders of a corporation commit a crime, the entire entity is not arrested and prosecuted. The corporations do not have the rights of individual citizens. I am a citizen. I should not have less influence than any other citizen.**

**Therefore, there need to be safeguards in the Constitution to protect the people of the nation from the unfair influence from those who have all of the money and run the large industries. We need to amend the Constitution. This is the only way**

**we can guarantee the legalized bribery does not continue. Regarding the amendments convention process, President Dwight Eisenhower stated that, 'Through their state legislatures and without regard to the federal government, the people can demand a convention to propose amendments that can and will reverse any trends they see as fatal to true representative government.'**

**On this vital American issue, it is time for Hawai'i to lead, using the powers built into the Constitution by the Founding Fathers for this very purpose. If Congress itself is the source of the problem, then it's the duty and responsibility of the states to take action to fix it. I encourage your favorable vote on SCR 131 in order to begin a real conversation about how to restore the rights of the people and so we can utilize the process that has historically resulted in amending the Constitution. Thank you.**

**LATE**

**SCR-131**

Submitted on: 3/18/2019 7:45:11 PM

Testimony for JDC on 3/19/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Trudy Stamps	Individual	Oppose	No

Comments:

Hawaii must VOTE NO on SCR131, SR100, SCR36 and all other Article V Convention applications.

All sorts of deceptive con-con arguments are now resoundingly defeated! READ this explanation of the "con" job — <http://thewashingtonstandard.com/con-con-lobbys-new-strategy-exposes-their-web-of-deceit/> NO state passed the many COSP applications in 2018.

Law professor David A. Super explains his opposition to an A5C application similar to Hawaii's application in this [ARTICLE](#): "...once a convention is called, everything in our Constitution would become immediately vulnerable...At constitutional roulette, everyone loses — except well-financed special interests."

[HERE](#) is our 2019 *state flyer* which explains the dangers of an Art. V convention.

[HERE](#) are words from *brilliant men* who warned against an Article V convention.

There is no need for an Article V convention (or in "Newspeak", a "convention of states").

If our Constitution (as is) is followed, the improprieties we've fought for decades (budget concerns and more) can be readily resolved. If the Constitution is NOT rigorously followed, how can additions to it make any change?

It is the LACK of following our Constitution that is the issue. Remedy THAT first.

Thank you for your consideration of these significant issues. Hawaii must VOTE NO on SCR131, SR100, SCR36.

Trudy Stamps





**LATE**

**SCR-131**

Submitted on: 3/18/2019 8:33:30 PM

Testimony for JDC on 3/19/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Alison Hartson	Individual	Support	No

Comments:

In support of SCR131 and SR100

Dear Senators of the Judiciary Committee, my name is Alison Hartson. I live in Nu'uana.

I used to be a High School Teacher, and I still believe education is the way to a brighter future for all Americans. However, I came to understand that our education system is being stymied by the influence that special interests have over our government in the same way that almost every issue we care about is. I realized that we must fix the corrupting influence of big money in politics first before we have a realistic chance of addressing any of the other pressing issues of our time.

That is why I left teaching six years ago to join this critical movement. In 2014, I led my home state of California to become the 2nd state in American history to take this necessary step towards repairing our broken campaign finance system. Congress will not act without proper pressure. We must demand a Free and Fair Elections Amendment to the U.S. Constitution through the Article V convention strategy before it's too late.

It is my hope that Hawaii will be the next state to move our country towards this much needed constitutional change. Please do everything in your power to make sure that SCR131/ SR100 pass in the 2019 legislative session. Mahalo.

**LATE**

**SCR-131**

Submitted on: 3/18/2019 9:31:35 PM

Testimony for JDC on 3/19/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Natalie Wohner	Individual	Support	No

Comments:

Dear committee members,

It is of utmost importance that we have fair and free elections and that our politics are not influenced by money! Please pass this resolution!

Mahalo for hearing my voice!

**LATE**

To: The Senate Committee on the Judiciary  
From: Brodie Lockard  
Date: Tuesday, March 19, 2019, 9:00 am

**In strong opposition to SCR 131 / SR 100**

Dear Chair Rhoads, Vice Chair Wakai and Committee Members—

I strongly oppose SCR 131 / SR 100.

There are two big questions regarding a limited national convention for the purpose of amending the United States Constitution: can a ConCon be limited, and how? And what if it can't be but happens anyway?

Answering the second, simpler question first, an unlimited ConCon in the current political climate—with 61 of 99 state legislative chambers Republican-controlled and 27 Republican governors—would be a catastrophe for every progressive cause there is.

Right now an amendment seems to be the only solution to money's corrosive influence in politics. If progressives controlled the states, I'd be all for a convention to pass it.

But can a ConCon be limited to that issue, and how?

There's only one precedent, in 1787, and they didn't follow the rules. The only way is by applying for a limited ConCon, and there's no way to guarantee that the delegates wouldn't expand the scope of the convention once it starts. None of the federal branches would have the legal authority to affect the convention—that's the whole purpose of the ConCon.

So that leaves the states to behave themselves and conduct things properly. But who controls the states, which would choose their delegates any way they please? See paragraph two. If that's not scary enough, ALEC and the Kochs have been laying the groundwork for a ConCon for decades. They certainly think things would go their way.

The people needing to ratify amendments is a safeguard, but currently very insufficient. Two years ago the people elected Donald Trump to be President of the United States. Their present mood and judgment lie somewhere between poor and dangerous.

There are just so many unknowns, and things undefined, that those already in power would surely be calling the shots in one way or another: buying delegates, bringing lawsuits, changing the rules. And they've been planning this for a long

time, considering all the ways it could go, stacking the deck and covering their bases. Many reports say it would go fine; just as many say the opposite. They're all speculation.

I don't scare easily, but a national ConCon, "limited" or not, scares me to death.

Please read <http://www.commoncause.org/press/press-releases/ArticleVmemoMarch17.html>.

Thank you for the opportunity to testify.

Brodie Lockard

**SCR-131**

Submitted on: 3/19/2019 3:57:08 AM

Testimony for JDC on 3/19/2019 9:00:00 AM

**LATE**

Submitted By	Organization	Testifier Position	Present at Hearing
Janet Pappas	Individual	Support	No

Comments:

Dear Senators,

Big money has infiltrated all of our institutions and made it much more difficult for "regular" people to have a voice in government. There are lobbyists for agriculture, the medical and drug industries, finance and Wall Street, and other important areas of our lives, many of whom value "the almighty dollar" at the exclusion of everything else, including our health and well-being, safety, the environment, justice, equality and now, even ethical behavior. Capitalism is overtaking democracy at the expense of the values our country was founded on.

We can and must restore our democracy by removing Big Money from politics, giving us all an equal opportunity at the polls to make our voices heard.

Concurrent Resolution SCR131 will bring us one step closer to repairing our electoral process by allowing Hawaii to stand with like-minded states to convene a Constitutional Convention for the sole purpose of proposing an amendment to the U.S. Constitution that will limit the influence of money in the electoral process.

As things stand moneyed interests dominate the powers that be in Congress. We, the people, cannot even get a toe in the door. As one example, the National Rifle Association (NRA) has become so strong that, despite mass shooting after mass shooting and overwhelming public support for sensible gun laws, Congress does nothing. Nothing! This is not right.

Hawaii can join five other forward-looking states who have determined that enough is enough. Please help to restore democracy to the people of Hawaii and to all the citizens of our country by strongly supporting SCR131.

Thank you very much.

Sincerely,

Jan Pappas

Aiea, Hawaii



**From:** [Alan Tokunaga](#)  
**To:** [JDCTestimony](#)  
**Subject:** Testimony in Support of SCR131 -"The Free and Fair Elections" Resolution  
**Date:** Monday, March 18, 2019 5:26:04 PM

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**LATE**

Dear Chair Karl Rhoads, Vice-Chair Glenn Wakai and Committee Members,

I am a retired Univ. of Hawaii researcher. I have watched with dismay at the growing influence of wealthy individuals and political action groups on elections in our country and on policies of the federal government. This is extremely detrimental to the political process. If uncorrected I fear a breakdown of civil society as can be seen in many countries where power is concentrated only in the wealthy few. It is for this reason that I am writing to urge you to pass SCR 131.



**LATE**

Re: SCR131:

REQUESTING CONGRESS TO CONVENE A LIMITED NATIONAL CONVENTION UNDER ARTICLE V OF THE UNITED STATES CONSTITUTION FOR THE EXCLUSIVE PURPOSE OF PROPOSING AN AMENDMENT TO THE UNITED STATES CONSTITUTION THAT WILL LIMIT THE INFLUENCE OF MONEY IN THE ELECTORAL PROCESS.

Hearing 3/19/19 9am Conf. Room 16

My name is Becky Gardner. I am an attorney licensed to practice law in the states of Hawaii and New York. I am also a civil servant / state employee and active in many of the community and political organizations that may testify before this body on a range of matters. I wish to make clear, however, that my testimony in support of this resolution to invoke an Article V Federal Constitutional Convention is in my personal capacity alone.

I also teach part-time at the William S. Richardson School of Law as a member of its adjunct faculty; and had participated last Fall in the University of Hawaii at Manoa Public Policy Center's "Citizens Jury" project, <http://www.publicpolicycenter.hawaii.edu/projects-programs/con-con-citizens-jury.html>, which entailed nearly 20 hours of study and deliberation over the prospect of holding a *state* constitutional convention – a deeply enriching experience which caused my position opposing the '*state con con*' to evolve as one of emphatic support. Having invested so much thought on the state question, the resolution before you piqued my interest for the legal and academic questions it raises. But more than anything, I base my position on philosophical and tactical reasons.

In learning about the various perspectives on the call to 'Invoke Article V' (as I like to think of it), a common denominator among most of those testifying - both for and against this proposal - is our collective and dire concern over dark money in politics. When understood this way, the communal distress comes through in a very loud, clear, penetrating voice. Can there be any mistake as to what the true will of the people is?

I believe it is supremely important in your analysis of this resolution that you recognize that the passions – on both sides - are fueled by the same concerns. They are rooted in common ground – an angry lament over the rapid demise in the fiscal integrity and civility of American politics since the *Citizens United* decision in 2010. This decision opened the floodgates to unsavory and unwelcome corporate influences, greed, and self-interest that undermine the health and viability of our body politic.

Honoring this public consensus, I believe the next important step for legislators to make is to determine how best to frame the question before them. It is far too simplistic to look at this resolution solely for its literal proposition. How futile to pass a resolution that requires 28 more states (most far more crippled by partisan politics than Hawaii) to do the same. And there are still so many circuit breakers in place: states could repeal or rescind their resolutions; the actual convening of such a convention could be arduous and problematic; no clear plan on exactly how delegates will be selected, and no modern model to follow; and then to have them all agree on language on a narrowly defined, limited question before it – or the possibility that delegates will attempt to revise the entire Constitution, and agree; and then for 37 states to each ratify the amendment(s), before becoming a part of "The" Constitution. There are so many hurdles to clear. And at each juncture, there is room for deliberation and disagreement. Practically impossible to get this across the finish line. So what's the point? Honestly, it's not even real.

But you know what is real? The panic. It is palpable. The fear that a federal constitutional convention will be hijacked by dark forces; that we will lose all the freedoms and protections enshrined in our current Constitution. The things that make us proud to be American; the founding principles of our democracy that we hold near and dear in our hearts and founded in our institutions - we could lose it all. Are we willing to bet our republic on our ability to fight these influences off? These dark forces have already done so much damage and we can't afford to lose any more.

Accordingly, there seems to be a lot of focus on this question: Can a constitutional convention be limited to discreet questions; or will it open up a Pandora's box and invite a "runaway convention" to destroy our democracy? Pages and pages of testimony and legal academia seem to fixate on this matter. And perhaps the only entity that can truly settle that question is the United States Supreme Court, which will require yet another lengthy and arduous political and legal process. Another tangible reason to unbuckle our seatbelts, and relax into this a bit.

But I have to say to both these questions, (1) whether there is enough political will to amend the constitution through a long, multi-layered, state-initiated Article V process; and (2) whether a 'Con Con' can be limited to questions on campaign finance, or must it open the entire Constitution to amendment – **not enough consideration has been given to the practical realities and likelihood that either will happen.**

For example, in testimony opposing this resolution, there is scant attention given to the very high hurdle that any amendment proposed by a Con Con must be ratified by 37 states. Instead, the focus has been on the worst-case scenario. Sentiments of fear, dread, and doomsday scenarios permeate these positions.

I would concede that the State Attorney General and others rightfully focus upon and disclose the risks, as lawyers have been trained to do. But this legislative body is in the position to assess this risk (which, I again note, is very low), and balance it against what good can be attained, and what is relatively possible by passing this resolution. And lighting a flare.

Nothing ventured. Nothing gained.

What this reso really is – it's a 'sheep' in wolves' clothing. It is not a harbinger of disaster. Rather, it is a warning sign. A cry for help from the people of a state seeking change. A flare – to indicate that danger is afoot. It is a call to our leaders to act, to take precautions. Or we stand to suffer much graver consequences because the status quo is not sustainable. And our democracy will falter - a death by a thousand cuts.

This resolution is light in the darkness. It is an assertion of agency. It is founded in optimism and a belief that as a matter of states' rights. The article V process is a mechanism our founders carefully conceived in the event that our federal government fails us. One that states, including ours, a far-off 'Island-in-the-Pacific' can employ and assert that we will not take this laying down. It exclaims that we, as states, have assessed our very limited options to remedy the pall that *Citizens United* has cast upon our democracy, and we're ready to act. It's a narrow avenue that invites some risk, but it's one we need to explore because of all the good that may come.

This resolution is a statement that we choose to invoke Article V, despite the risks, because we demand action. With other states, we light these flares because we have reason to hope, and believe in our potential to drive our destiny, and change our circumstances.

For example, the risks to convening an Article V convention has engendered so much fruitful discussion. Our political leaders are starting to take notice. Now that more states are lighting their flares, we are beginning to seriously consider congressional proposals, like the Udall amendment, to address flaws in our campaign finance laws.

These resolutions are spurring action and alternative solutions because of the very fear that fuels the opposition. It's an excellent way to harness a negative and otherwise unwieldy emotion. Passing this resolution functionally serves a welcome mat for federal legislation. If we compare the extremely remote possibility of a runaway convention with **the very clear reality that this measure is elevating the discussion, increasing awareness, and spurring our congressional representatives to action** – the path is clear.

As a philosophical matter, I believe this resolution presents us with an opportunity to reject our fears. To see these risks as opportunities. To understand and accept the hopeful reality that with all the circuit breakers positioned to keep this process in check – *(by passing the high threshold of state resolutions; avoiding repeals thereof; selecting and convening of convention delegates; achieving consensus among them; and ultimately the ratification of their recommendation by three-quarters of the states)*, we will be ok.

Lighting this flare may be alarming, and scary and blinding – especially since we've been sitting here, paralyzed in the darkness. But it will electrify and energize a process that shield us from the fears; and enable us to embrace the risks as validation of how effective this path may be. By invoking article V, Hawaii can help light the way.

We have a choice to follow the lights of other brave states, and chart a course back to a democracy that more resembles what our founders created. Or we can stay right where are, bemoan our circumstances, and curse the darkness.

The better choice is clear. It's the path well lit.

Thank you for the opportunity to provide this testimony in support.

Becky Gardner